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Attorneys for Claimant City of Hailey

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

SUBCASE NOS. 37-22670 and
37-22671

**AFFIDAVIT OF MICHAEL C.
CREAMER IN SUPPORT OF CITY
OF HAILEY'S MOTION TO FILE
LATE NOTICES OF CLAIMS**

STATE OF IDAHO)
) ss.
County of Ada)

MICHAEL C. CREAMER, being first duly sworn upon oath, deposes and states:

1. I am the attorney of record for the Claimant City of Hailey ("City") in the above-captioned subcase.

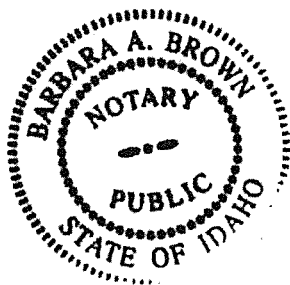
2. I have represented the City since June 20, 2011 in subcase litigation with the Indian Creek Ranch Owner's Association ("Association") and the Idaho Department of Water Resources ("Department") concerning the City's objections to the Department's recommendations to various claims of the Association and the Association's objections to the Department's recommendations to various claims of the City.

3. During the course of discovery and settlement negotiations related to the litigation described above, the City learned from historical records, including fire insurance maps that show historical means of diversion, quantity, and delivery for municipal purposes, and from discussions with Mr. Carter Fritschle, Water Rights Supervisor with the Idaho Department of Water Resources, that the water rights claimed in the City's Late Notices of Claim 37-22670 and 37-22671 were diverted from what was known as the "Cramer Well" and beneficially used to supply a portion of the City's historical municipal water supply. The Sanborn fire insurance maps describe diversion and distribution facilities that were capable of delivering an estimated 1.78 cfs beginning as early as 1907 and an additional estimated 0.60 cfs by 1931.

4. The late claims as filed include an accomplished transfer of point of diversion for the historical Cramer Well to three of the City's municipal wells which were in place as of commencement of the SRBA pursuant to Idaho Code § 42-1425.


Michael C. Creamer

SUBSCRIBED AND SWORN to before me this 30th day of December, 2011.




Notary Public for Idaho
Residing at Boise, Idaho
My Commission expires: 11-30-2017

CERTIFICATE OF SERVICE

I certify that on December 30, 2011, I caused to be served the original and copies of this form, including all attachments, to the following persons by hand delivery or mail of the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

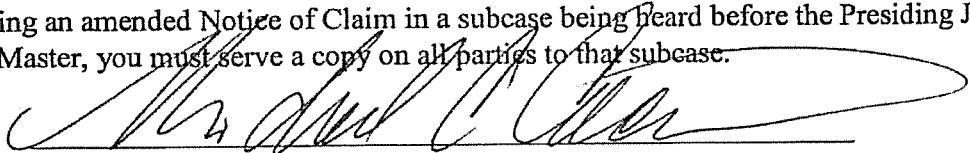
2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.



Michael C. Creamer