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DEPARTMENT OF  
WATER RESOURCES

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Attorneys for Western States Land Management, Inc.

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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

Subcase No. 72-16883

Case No. 39576

**AFFIDAVIT OF WAYNE BAKER**

STATE OF IDAHO )  
 ) ss.  
County of Custer )

WAYNE BAKER, having been duly sworn upon oath, deposes and states as follows:

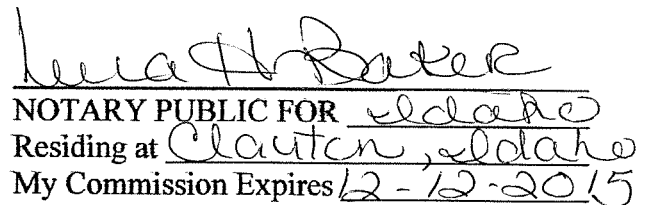
1. 1. My name is Wayne Baker. My address is H/C 68, Box 304, Clayton, Idaho 83227. I am of sound mind and majority age, and I make this affidavit based upon my own personal knowledge.

2. My wife Melodie and I currently manage the Broken Wing Ranch near Clayton, Idaho, on behalf of its owner, Western States Land Management, Inc. ("WSLM"). We

3. I am aware that WSLM has filed a motion to file a late water right claim with the Snake River Basin Adjudication district court. I understand that WSLM's current water rights for diversions into the Marraffio Ditch are not sufficient to cover the capacity of, and historic diversions of water into, the Marraffio Ditch. Therefore, I understand that the purpose of WSLM's late claim would be to make up this difference between the actual capacity of the Marraffio Ditch and what WSLM is authorized to divert into the ditch under its water rights.

Further your affiant sayeth naught.

SUBSCRIBED AND SWORN to before me this 24<sup>th</sup> day of May, 2012.



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of May, 2012, I caused a true and correct copy of the foregoing **AFFIDAVIT OF WAYNE BAKER** to be served by the method indicated below, and addressed to the following:

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Boise, ID 83720-0098

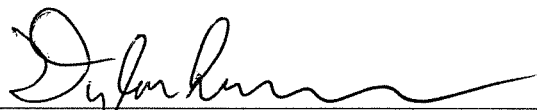
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Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, ID 83711-4449

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\_\_\_\_\_  
Dylan B. Lawrence