

DEPARTMENT OF
WATER RESOURCES

In RE: SRBA

Subcase: 22-14052

Case No. 39576

AFFIDAVIT OF DON HARRIS

STATE OF IDAHO

SS.

County of Madison

Don Harris, having been duly sworn, states under oath as follows:

1. I am a resident of Madison County, Idaho and reside at 4431 North 2000 West, Rexburg, ID 83440.

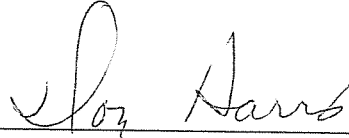
2. Until recently, it was fully understood and believed by the present officers of the canal company that this stockwater claim was part and parcel with the irrigation right contained in 1885 water right No. 22-11329. In fact, the original recommendation to 22-11329 actually DID recommend this stockwater right along with the irrigation right. Although said officers are confident that this right was beneficially applied from the 1885 date, the canal company is attempting to obtain the necessary proof of such date. Presently, affidavits verifying the beneficial use from at least 1920 have been obtained and further records will be searched prior to final hearing to be held on this matter.

3. From my present knowledge of the system, it has always taken at least the amount of the above entitled claim of diversion during the off irrigation season in order to get enough water down the canal to those uses described in the affidavits (the end of the canals).

4. Because the claims themselves were filed by the officers in 1987 period of time, it was also the position of the Company that the rights had been diverted all the way back to the original rights decreed in the Rexburg Decree.

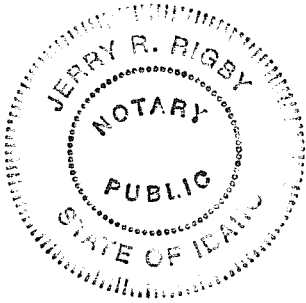
5. I am 55 years old and know that from my earliest recollections, the claimed amounts occurred during the off irrigation season for stockwatering from November 1 through April 1 every year, weather permitting.

Respectfully submitted, this 29th day of October, 2012.



Don Harris

SUBSCRIBED AND SWORN to before me this 29th day of October, 2012.



Notary Public for Idaho
Residing at: REXBURG
My Commission Expires: 11-09-17