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Attorneys for IDWR

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. 34-00503A |
|                | ) |                       |
| Case No. 39576 | ) | AFFIDAVIT OF          |
|                | ) | CARTER L. FRITSCHLE   |
| _____          | ) |                       |

**DESCRIPTIVE SUMMARY**

This is the Affidavit of Carter L. Fritschle filed in support of IDWR's Reply to Motion to File Late Objection to Right No. 34-00503A.

**AFFIDAVIT**

STATE OF IDAHO )  
                  ) ss.  
County of Ada )

Carter L. Fritschle, being first duly sworn on oath, deposes and states as follows:

1. My name is Carter L. Fritschle, and my work address is Idaho Department of Water Resources, 1301 North Orchard Street, Boise, Idaho 83706.

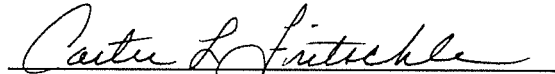
2. I am a Water Rights Supervisor for the Idaho Department of Water Resources (IDWR) and was the department employee who

assisted Mr. Traugher on March 25, 1992, in Arco, during the notice of error process.

3. At no time did I advise Mr. Traugher against filing an objection. In addition, all employees of IDWR have been instructed not to give legal advise and not to encourage or discourage claimants from filing objections.

4. The claimant admitted on the notice of claim that the water right had not been used since the purchase of the property in 1976 because of water availability. Water district records indicate that water was available for this right for at least a portion of the irrigation season from 1976 to 1987, and that the Traughers did not take delivery of water during that time.

DATED this 12<sup>th</sup> day of January, 1995.

  
CARTER L. FRITSCHLE

SUBSCRIBED AND SWORN before me, a Notary Public in and for the State of Idaho, this 12<sup>th</sup> day of January, 1995.

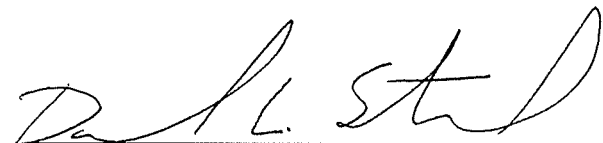
  
Notary Public for Idaho,  
residing in Boise, Idaho.  
My commission expires:  
11-14-1998

CERTIFICATE OF SERVICE

I hereby certify that on the 12<sup>th</sup> day of January, 1995, I served true and correct copies of the foregoing document on the following persons by mailing in the U.S. Mail, first class, with the correct postage affixed thereto.

U.S. Dept. of Justice  
Env't & Natural Resources Div.  
550 W. Fort St., Box 33  
Boise, ID 83724

William R. Hollifield  
Hollifield & Tolman P.A.  
249 Third Avenue East  
P.O. Box 66  
Twin Falls, ID 83303-0066

  
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DANIEL L. STECKEL