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DEPARTMENT OF  
WATER RESOURCES

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*Attorneys for Bruce and Glenda McConnell*

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

In Re SRBA

Case No. 39576

**Subcase Nos. 74-361, -362, -363, -364, -  
365, -367, -368**

**AFFIDAVIT OF CARTER  
FRITSCHLE**

STATE OF IDAHO     )  
                              ) ss.  
County of Ada         )

CARTER FRITSCHLE, being first duly sworn upon oath, deposes and says:

1. I am employed by the Idaho Department of Water Resources ("IDWR") and have been so employed for approximately 27 years. I was over the age of eighteen years at the time I was first employed.

2. I am the Manager, Adjudication Section, for IDWR. My principal duties include supervising a staff of technical water right professionals and records support personnel. I have been employed in this position since January of 2006.

3. I make the following statements based on my review of IDWR records and personal knowledge.

4. On January 31, 2012, the SRBA district court issued its *Order Establishing Deadline for Late Claim Filings in Basins 21, 22, 29, 32, 33, 65, 67, 69, 71, 72, 73, 74, 75, 77, 78, and 79*, SRBA subcase no. 00-92099 (January 31, 2012). Included therewith was a list prepared by IDWR showing the above-captioned water rights, which were previously decreed in the Lemhi Adjudication, as unclaimed.

5. On April 25, 2012, the SRBA district court closed Basin 74 to claims taking and disallowed the above-captioned water rights as unclaimed. *Order Closing Claims Taking in Basins 21, 22, 29, 32, 33, 65, 67, 69, 71, 72, 73, 74, 75, 77, 78, and 79*, SRBA subcase no. 00-92099 (April 25, 2012).

6. I have reviewed IDWR records of service of the notice of the commencement of the SRBA in Basin 74. IDWR records show that first round service in Basin 74, Lemhi County, occurred from February to May 1990. Lemhi County was the last county in the SRBA to receive first round service. Timely taking of claims in Basin 74 ended in May 1990.

7. IDWR's affidavit of first round service was signed by Danni M. Smith on July 6, 1990 and is on file with the SRBA district court. *See Affidavit of Service of Commencement Notice – Lemhi County*, SRBA subcase no. 39576 (July 6, 1990) (“Affidavit of First Round Service”)

8. Based on my review of IDWR records, first round service was served upon Parley Arave.

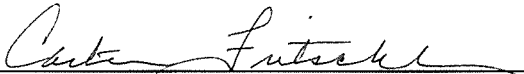
9. IDWR's affidavit of second round service was signed by Danni M. Smith on December 22, 2003 and is on file with the SRBA district court. *See Affidavit of Danni M. Smith*

Re: *Second Round Service of Commencement Notice Not Necessary for Basin 74 (No Unclaimed Water Rights Discovered)*, SRBA subcase no. 39576 (December 26, 2003) (“Affidavit of Second Round Service”).

10. Based on my review of the *Affidavit of Second Round Service* and the records of IDWR, second round service was not given as to the above-captioned water rights.

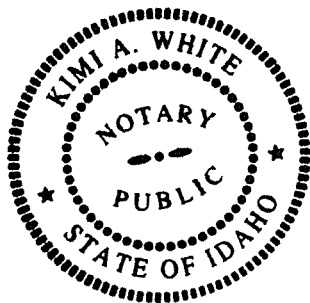
Further your Affiant sayeth naught.

DATED this 30<sup>th</sup> day of April, 2014.

  
CARTER FRITSCHLE

SUBSCRIBED AND SWORN TO BEFORE ME this 30<sup>th</sup> day of April, 2014.

(seal)



  
NOTARY PUBLIC for Idaho  
Residing at: Boise, Idaho  
My Commission Expires: 04/01/16

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30<sup>th</sup> day of April 2014, I caused the foregoing document to be filed with the Court and true and correct copies served by the methods indicated:

1. Original to:

|                                                                                                                                                          |                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| CLERK OF THE DISTRICT COURT<br>SNAKE RIVER BASIN ADJUDICATION<br>253 THIRD AVENUE NORTH<br>PO BOX 2707<br>TWIN FALLS, ID 83303-2707<br>FAX: 208-736-2121 | <input checked="" type="checkbox"/> Facsimile |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|

2. Copies to:

|                                                                                                                            |                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| IDWR DOCUMENT DEPOSITORY<br>P.O. BOX 83720<br>BOISE, ID 83720-0098                                                         | <input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid<br><input type="checkbox"/> Hand Delivery |
| CHIEF NATURAL RESOURCES DIV.<br>OFFICE OF THE ATTORNEY GENERAL<br>STATE OF IDAHO<br>P.O. BOX 44449<br>BOISE, ID 83711-0449 | <input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid<br><input type="checkbox"/> Hand Delivery |
| UNITED STATES DEPT. OF JUSTICE<br>ENVIRONMENT & NATURAL RESOURCE<br>550 WEST FORT STREET, MSC 033<br>BOISE, ID 83724-0101  | <input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid<br><input type="checkbox"/> Hand Delivery |



CHRIS M. BROMLEY