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RECEIVED

JUN 27 2014

DEPARTMENT OF
WATER RESOURCES

**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. 74-1615 & 74-2351

**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 Albert Peterson in 1990.

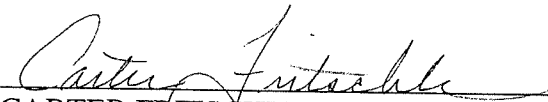
9. IDWR's affidavit of second round service was signed by Danni M. Smith on December 22, 2003 and is on file with the SRBA district court. *See Affidavit of Danni M. Smith*

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.

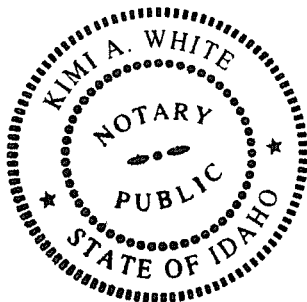
Further your Affiant sayeth naught.

DATED this 16th day of June, 2014.


CARTER FRITSCHLE

SUBSCRIBED AND SWORN TO BEFORE ME this 16th day of June, 2014.

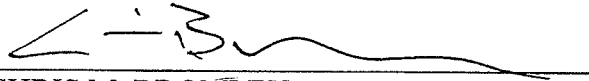
(seal)




NOTARY PUBLIC for Idaho
Residing at: Boise, Idaho
My Commission Expires: 24/01/16

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June 2014, I caused the following documents to be filed with the Court: *Notice of Service*, *Notice of Hearing*, *Motion to Set Aside and Memorandum in Support*, *Affidavit of Chris M. Bromley*, *Affidavit of Shanna Foster*, *Affidavit of Thomas C. Udy*, *Affidavit of Carter Fritschle*, *Affidavit of Roxanne Brown*, *Motions for Late Claims*, *Memorandum in Support of Motions for Late Claim*, *Notices of Claim*. As attested to in the *Notice of Service*, the foregoing documents were filed with the Court and true and correct copies served on the SRBA's Expedited Mailing List and water users on Everson Creek, Lee Creek, and Stroud Creek.



CHRIS M. BROMLEY

Attorneys for Shanna Foster and Jennifer Ayers