

Chris M. Bromley, ISB # 6530
Candice M. McHugh, ISB # 5908
McHugh Bromley, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702
(208) 287-0991
(208) 287-0864 (facsimile)

RECEIVED
JUN 27 2014
DEPARTMENT OF
WATER RESOURCES

Attorneys for Shanna Foster and Jennifer Ayers

**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
THOMAS C. UDY**

STATE OF IDAHO)
) ss.
County of Lemhi)

Thomas C. Udy, being first duly sworn upon oath, deposes and says:

1. I am over the age of 18 and state the following based upon my own personal knowledge.
2. My family has been in Leadore, Idaho since 1937. I have lived in Leadore, Idaho since 1951. I hold water rights and divert water for irrigation purposes in Water District 74-Z.
3. I have been the watermaster for Water District 74-Z since 2003.
4. I am familiar with water delivery in Water District 74-Z. Everson Creek, the source for water right nos. 74-1615 and 74-2351, is located in Water District 74-Z.

5. Based on my experience living and ranching in Leadore and serving as the watermaster for Water District 74-Z, I am familiar with use of water right nos. 74-1615 and 74-2351.

6. I have reviewed the records of Water District 74-Z for every year from 1983 to present. In each year, when water is available, water has been diverted. In each year, water assessments were billed and paid.

7. Water was delivered to the property in 2012 and 2013.

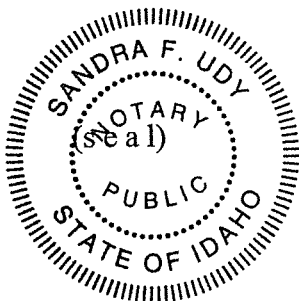
8. Other than water right nos. 74-1615 and 74-2351, there are no other water rights that irrigate the property.

Further your Affiant sayeth naught.

DATED this 17 day of June, 2014.

Thomas C. Udy
THOMAS C. UDY

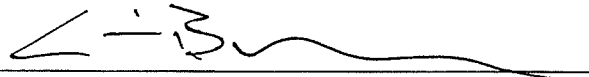
SUBSCRIBED AND SWORN TO BEFORE ME this 17 day of June, 2014.



Sandra F. Udy
NOTARY PUBLIC for Idaho
Residing at: Leadore Idaho
My Commission Expires: 09/18/2014

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.

A handwritten signature in black ink, appearing to read 'C-M-B', followed by a long horizontal wavy line.

CHRIS M. BROMLEY

Attorneys for Shanna Foster and Jennifer Ayers