

JOSEPH F. JAMES
BROWN & JAMES
130 Fourth Avenue West
Gooding, Idaho 83330
Telephone: (208) 934-8185
Facsimile: (208) 934-4101
Idaho State Bar No. 5771

Attorneys For Petitioners

RECEIVED
SEP 16 2011
Department of Water Resources
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCE
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.	)	
37-07842 IN THE NAME OF THE	)	
IDAHO WATER RESOURCES	)	
BOARD	)	
_____	)	AFFIDAVIT OF JOSEPH F. JAMES IN SUPPORT OF PETITIONERS' MOTION FOR SUMMARY JUDGMENT

STATE OF IDAHO)
) ss.
County of Gooding)

JOSEPH F. JAMES , being first duly sworn upon his oath, deposes and states:

1. That I am the attorney for Petitioners in the above referenced matter.
2. That your affiant received a copy of a correspondence from Emalee Rushing to the Idaho Water Resources Board via regular mail on September 7, 2010, which included as an an order approving the permit holders request for extension of time to submit proof of beneficial use regarding Permit No. 37-07842.
3. That the written notice provided by Ms. Rushing was the first notice received by your affiant on behalf of Petitioners.

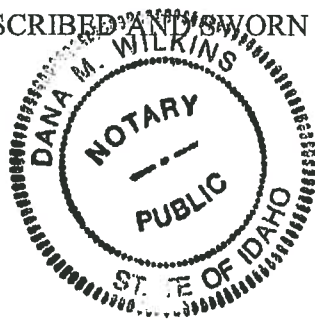
4. Your affiant caused to be filed a Petition for Hearing, and Petition for Declaratory Ruling with the Idaho Department of Water Resources Twin Falls office on September 22, 2010.

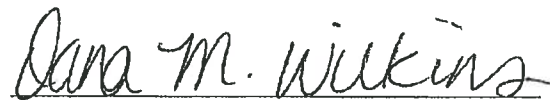
FURTHER YOUR AFFIANT SAYETH NAUGHT

DATED this 16th day of September 2011.


Joseph F. James

SUBSCRIBED AND SWORN to before me this 16th day of September, 2011.




Notary Public for Idaho
My commission expires: 3/10/2014

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of September, 2011, I served a true and correct copy of the foregoing document upon the following persons in the manner indicated:

Shasta Kilminister-Hadley
Natural Resources Division
P.O. Box 83720
Boise, ID 83720-001

☒ United States Mail, Postage Prepaid
☐ Express overnight delivery
☐ Hand delivered
☐ Via facsimile transmission

David I. Stanish
Natural Resources Division
P.O. Box 83720
Boise, ID 83720-001

☒ United States Mail, Postage Prepaid
☐ Express overnight delivery
☐ Hand delivered
☐ Via facsimile transmission

Sharla Cox-Administrative Assistant
I.D.W.R.
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

☒ United States Mail, Postage Prepaid
☐ Express overnight delivery
☐ Hand delivered
☐ Via facsimile transmission

D. Wilkins