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MAR 26 2010

DEPARTMENT OF
WATER RESOURCES

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Attorney for Hultz Farms, Petitioner

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

In the Matter of Permit No. 63-8682

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**AFFIDAVIT OF
H. ROBERT HULTZ**

STATE OF IDAHO)
) ss.
COUNTY OF CANYON)

H. Robert Hultz, being first being duly sworn upon oath, deposes and says:

(1) I am H. Robert "Bob" Hultz, the President of Hultz Properties, Inc. which does business in the name of "Hultz Farms," the Petitioner in this matter. I reside at 18500 Purple Sage Road, Caldwell, Idaho 83607, am over eighteen years old, am competent to testify and have personal knowledge of the following matters:

(2) Hultz Properties, Inc. is a successor in interest to Hultz Farms, Inc. as to water right Permit No. 63-8682 and the associated place of use. Hultz Properties, Inc. is a family corporation created when it was determined that the prior family corporation, Hultz Farms, Inc., was no longer in effect.

(3) I helped my father with irrigation and other farming related activities in

the 1970's. I recall that my father applied for water right Permit No. 63-8682 in the year 1977 because of the drought conditions at the time. The well was drilled in 1977 and used for irrigation that same year.

(4) After 1981/1982 when my father had a stroke, he was unable to communicate as his speech and writing capabilities were affected. My mother took over bookkeeping responsibilities for Hultz Farms, Inc. after his stroke and subsequent death in 1984 but apparently did not understand all of the correspondence and other materials she received. It was during the period of time shortly after my father's death that the correspondence regarding the license examination fee for Water Right No. 63-8682 apparently went unanswered.

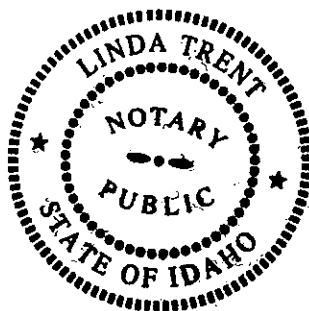
(5) In about the summer of 1987, after I discovered the lapsing of Permit No. 63-8682, I went to the Idaho Department of Water Resources ("IDWR") to determine if anything could be done to correct the lapsed permit. I was informed by an IDWR employee at that time that the lapsed permit could not be reinstated.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 16 day of March, 2010.

H. Robert Hultz
H. Robert Hultz

SUBSCRIBED AND SWORN to before me this 16 day of March, 2010.



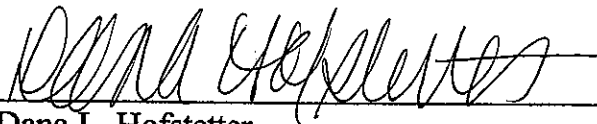
Linda Trent
Notary Public in and for the State of Idaho
Residing at: PAERNA, IDAHO
My Commission Expires: 10/3/2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of March, 2010, I caused the foregoing **AFFIDAVIT OF H. ROBERT HULTZ** to be served by the pre-paid method(s) indicated on the following:

Original to:

Director
Idaho Department of Water Resources
The Idaho Water Center
322 East Front Street
Boise, Idaho 83702
☐ U.S. Mail ☐ Fed Ex ☒ Hand ☐ Fax


Dana L. Hofstetter

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