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DEPARTMENT OF
WATER RESOURCES

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Attorneys for F. James & Paula J. Whittaker.

**IN AND FOR THE DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO**

IN THE MATTER OF APPLICATION TO
RENT WATER FROM THE WATER
SUPPLY BANK, NOS. 74-2320 AND 74-
15190, IN THE NAME OF THE IDAHO
WATER RESOURCE BOARD

Nos. 74-2320 and 74-15190

**AFFIDAVIT OF
ROBERT L. HARRIS**

STATE OF IDAHO)
)ss
County of Bonneville)

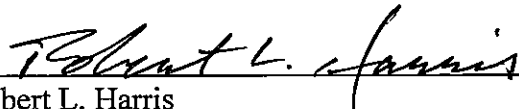
I, Robert L. Harris, do solemnly swear (or affirm) that the testimony given in this sworn statement is the truth, the whole truth, and nothing but the truth, that it is made on my personal knowledge, and that I would so testify in open court if called upon to do so.

And being so sworn I depose and say:

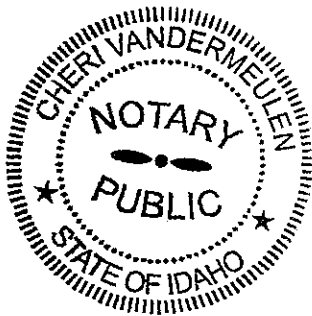
1. I am an attorney licensed to practice law in the state of Idaho. I am a member of the firm of HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C., and serve as counsel for F. James Whittaker in the above-entitled action.

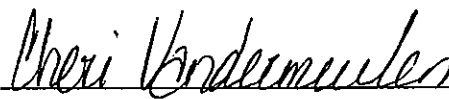
2. I was contacted only a few days ago by F. James Whittaker to represent him in his protests relating to the Application to Rent Water From the Water Supply Bank, involving Water Right Nos. 74-2320 and 74-15190.
3. In requesting my services to represent him, Mr. Whittaker indicated the hearing date for this matter had been set for May 13, 2009.
4. Because this matter involves important issues relating to water right usage, Endangered Species Act issues, and water right administration issues, it would be extremely difficult for me to prepare adequately in only two weeks time.
5. I believe that resetting the hearing for a date in July would provide me with adequate time to prepare appropriately.

Dated this 15th day of May, 2009.


Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC

SUBSCRIBED AND SWORN TO before me this 15th Day of May, 2009.




Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: July 7, 2009

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, on this 17 day of May, 2009.

DOCUMENT SERVED: AFFIDAVIT OF ROBERT L. HARRIS

ATTORNEYS AND/OR INDIVIDUALS SERVED:

Gary Spackman
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

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(☐) *Hand Delivery*
(☐) *Facsimile*
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(☒) *Email*

Harriet A. Hensley
Deputy Attorney General
Natural Resources Division
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Boise, ID 83720-0010

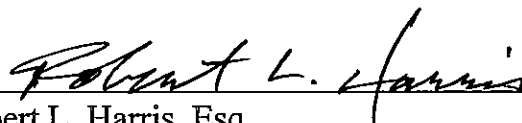
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Robert L. Harris, Esq.
Holden, Kidwell, Hahn & Crapo, PLLC

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