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Department of Water Resources
Eastern Region

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

November 8, 2011

Michael Holliday
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: SRBA Subcase No. 31-12222

Dear Michael:

The Idaho Department of Lands ("IDL") submits the Affidavit of James F. Hagenbarth as evidence of the priority date for IDL's Amended Notice of Claim for Water Right No. 31-12222. The executed affidavit is enclosed with this letter.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tyson K. Nelson".

Tyson K. Nelson
Deputy Attorney General

TKN/olv

Enclosure

NOV 09 2011

Department of Water Resources
Eastern Region

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

TYSON K. NELSON (ISB No. 7188)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
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*Counsel for the State of Idaho,
Department of Lands*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	
	)	Subcase No. 31-12222
	)	
Case No. 39576	)	AFFIDAVIT OF JAMES F.
	)	HAGENBARTH
_____	)	

STATE OF MONTANA)
) ss.
County of Beaverhead)

JAMES F. HAGENBARTH, being first duly sworn upon oath, deposes and hereby states
as follows:

1. I lease land from the State of Idaho under Idaho Department of Lands Lease No. G8407 ("Lease"), along with the following lessees: Laurel A. Hagenbarth, David J. Hagenbarth, and Pat Carrick.
2. The Lease includes State land in Clark County, Idaho, identified in Exhibit A attached hereto (hereinafter "State Land").

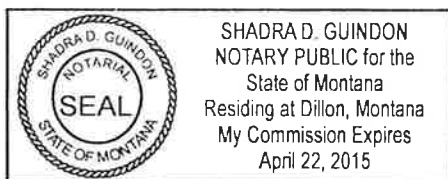
3. I have leased the State Land since 1991.
4. My family has worked on properties in the vicinity of the State Land for several years. I am familiar with the historic irrigation practices on the State Land and other properties located near the State Land.
5. My family installed a system to divert water from Dry Creek to irrigate property located near the State Land on or about March 31, 1944.
6. I reviewed an aerial photograph taken in 1953 that showed water had been diverted from Dry Creek and applied to the State Land.
7. Based upon my knowledge of my family's historic practices in this area of Idaho, water was diverted from Dry Creek and first applied to the State Land sometime after March 31, 1944, and before the irrigation season in 1953.

Further your affiant sayeth naught.

DATED this 2nd ^{November} day of ~~October~~ 2011.

James F. Hagenbarth
James F. Hagenbarth

Subscribed and sworn to before me on this 2nd ^{November} day of ~~October~~ 2011



[Signature]
Notary Public for _____
Residing at: _____
My commission expires: _____

EXHIBIT A

Map of Place of Use for Water Right 31-12222

T13N, R40E

910
1815



24.0

40.0

40.0

40.0

40.0

40.0

33.0

40.0

40.0

27.0

25.0

25.0

29.0

0.5

0.2



2009 NAIP Imagery

T13N, R40E

9 10
16 15

Yale-Kilgore (A2) Road

Yale-Kilgore (A2) Road
Envelope Valley Road

Dry Creek

US Forest Service
State of Idaho

