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Andrew J. Waldera, ISB No. 6608
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Attorneys for Grays Creek Canal Association

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

In the Matter of Water Users Association of Grays Creek Ditch Lateral	AFFIDAVIT OF ANDREW J. WALDERA
STATE OF IDAHO) ss.	
County of Ada)	

Andrew J. Waldera, having been duly sworn upon oath, deposes and states as follows:

- 1. I am an attorney duly licensed to practice law in the state of Idaho. I am one of the attorneys representing the Grays Creek Canal Association (the "Association"), in the above-captioned matter. I have knowledge of the files in this matter, and I make this affidavit based upon personal knowledge.
- 2. Attached hereto as Exhibit A are true and correct copies of email correspondence dated July 11, 2012: (1) from Dana Hofstetter to Jeff Peppersack and me

requesting until Friday, July 13, 2012 to file a Reply to the Response to the Petition for Reconsideration; (2) a response from me to Mr. Peppersack and Ms. Hofstetter indicating the Association's non-opposition to Ms. Hofstetter's request; and (3) a response from Mr. Peppersack agreeing to refrain issuing a decision until Friday, July 13, 2012.

3. The Association supported Ms. Hofstetter's request out of courtesy, and to promote the final decision of this matter on the merits.

Further your affiant sayeth naught.

Andrew J. Waldera

SUBSCRIBED AND SWORN to before me this ______ day of July, 2012.

PUBLIC OF ARY

ATE OF THE RESERVE TO THE RESERVE TO

NOTARY PUBLIC FOR BAHC

Residing at Allise,

My Commission Expires 10/10

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this correct copy of the foregoing AFFIDAVIT OF AND indicated below, and addressed to the following:	day of July, 2012, I caused a true and DREW J. WALDERA to be served by the method
Dana L. Hofstetter HOFSTETTER LAW OFFICE, LLC 608 West Franklin Street Boise, ID 83702 Fax: (208) 424-8774 Email: Dana@IdahoWaterLaw.com	 () U.S. Mail, Postage Prepaid () Hand Delivered () Overnight Mail () Facsimile
	1

Andrew J. Waldera

Andy Waldera

From:

Andy Waldera

Sent:

Wednesday, July 11, 2012 3:20 PM

To: Cc: 'Hofstetter Law Office'; Peppersack, Jeff John.Homan@idwr.idaho.gov

Subject:

RE: Grays Creek Ditch - 4103.1

All:

To the extent IDWR would like to know where the Grays Creek Canal Association sits with respect to Ms. Hofstetter's request, it does not oppose the request.

So, if the Department is willing, please do allow Ms. Hofstetter and her client until Friday (July 13) to file a reply in support of the Trust's underlying Petition for Reconsideration.

Regards,

Andy Waldera

----Original Message----

From: Hofstetter Law Office [mailto:Dana@IdahoWaterLaw.com]

Sent: Wednesday, July 11, 2012 3:11 PM

To: Peppersack, Jeff

Cc: Andy Waldera; John.Homan@idwr.idaho.gov

Subject: Grays Creek Ditch - 4103.1

Jeff:

I would like a few days (until Friday) to file a Reply to the Response to the Petition for Reconsideration in the above-referenced matter. Would it be possible to hold off any decision in this matter until after Friday? This would still allow time for a decision within the 21 days of IDWR Rule of Procedure 730.

Thank you, Dana Hofstetter

Andy Waldera

From:

Peppersack, Jeff [Jeff.Peppersack@idwr.idaho.gov]

Sent:

Wednesday, July 11, 2012 5:38 PM

To:

Hofstetter Law Office

Cc: Subject: Andy Waldera; Homan, John RE: Grays Creek Ditch - 4103.1

Follow Up Flag:

Follow up

Flag Status:

Blue

Dana,

I'll wait until Friday before issuing a decision.

Jeff

----Original Message----

From: Hofstetter Law Office [mailto:Dana@IdahoWaterLaw.com]

Sent: Wednesday, July 11, 2012 3:11 PM

To: Peppersack, Jeff

Cc: Andy Waldera; Homan, John

Subject: Grays Creek Ditch - 4103.1

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Thank you, Dana Hofstetter