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**DEPARTMENT OF
WATER RESOURCES**

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*Attorneys for Karl T. Cook and Jeffrey M.
Cook*

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

A&B IRRIGATION DISTRICT, AMERICAN
FALLS RESERVOIR DISTRICT #2, BURLEY
IRRIGATION DISTRICT, MINIDODA
IRRIGATION DISTRICT, TWIN FALLS
CANAL COMPANY and NORTH SIDE
CANAL COMPANY,

Petitioners,

vs.

THE IDAHO DEPARTMENT OF WATER
RESOURCES,

Respondent.

Case No. CV-42-2015-2452

**AFFIDAVIT OF
ROBERT L. HARRIS**

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 35-14402

In the name of Jeffrey M. Cook

STATE OF IDAHO)
)ss
 County of Bonneville)

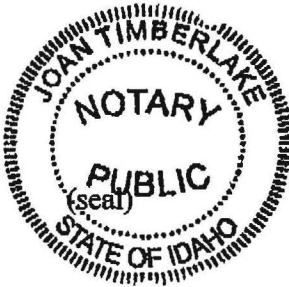
1. I am an attorney licensed to practice law in the state of Idaho. I am a member of the firm of Holden, Kidwell, Hahn & Crapo, P.L.L.C., and I served as counsel for Karl T. Cook and Jeffrey M. Cook (hereinafter collectively the "Applicant") in the underlying administrative proceeding that is the subject of the above-entitled appeal.
2. I was listed on the certificate of service of the *Notice of Appeal & Petition for Judicial Review* dated June 26, 2015, and received a copy of this document. A copy of this document is available at <http://www.srba.idaho.gov/A0080042XX.HTM>.
3. However, I was not listed on the certificate of service on the *Procedural Order Governing Judicial Review of Final Order of Director of Idaho Department of Water Resources* dated July 1, 2015 (the "Procedural Order"), and I did not receive a copy of the *Procedural Order*.
4. In July of this year, counsel for the appellant, Paul Arrington, requested approval from me and attorneys for the Idaho Department of Water Resources to move the initially-scheduled hearing date to the currently-scheduled hearing date of December 3rd, which I agreed to. After this correspondence, I was not made aware of any further action on this appeal.
5. I inquired of Mr. Arrington as to the status of the preparation of the record on appeal in early September. Mr. Arrington informed me that the record had been prepared, and that he was preparing his opening brief. Mr. Arrington then made me aware of the *Procedural Order*.
6. In conjunction with the filing of this affidavit, I will file a *Notice of Appearance, or Alternatively, a Motion to Intervene Pursuant to I.A.R. 7.1*, in order to participate in the above-entitled appeal.
7. I represent that I discussed my intervention with Mr. Arrington, who is handling the appeal for all of the appellants (the Surface Water Coalition) and he represented to me that he does not object to the motion.

8. I also discussed my intervention with Garrick Baxter and Emmi Blades, the Deputy Attorneys General who represent the Idaho Department of Water Resources in this appeal, and both represented to me that they do not object to the motion.
9. I was served with the appellants' opening brief on September 16, 2015, as evidenced by the certificate of service. I am aware that response briefs are now due on or before October 14, 2015.
10. If allowed to intervene, I will not request a change to the briefing schedule or the hearing date, and will timely submit my response brief on or before October 14, 2015.

DATED this 8th day of October, 2015.

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

SUBSCRIBED AND SWORN TO before me this 8th day of October, 2015.



Joan Timberlake
 Notary Public for Idaho
 Residing at Ammon, Idaho
 My Commission Expires: 7/23/2018

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the parties listed below by hand delivery, email, mail, or by facsimile, with the correct postage thereon, on this 8th day of October, 2015.

DOCUMENT SERVED: AFFIDAVIT OF ROBERT L. HARRIS

ORIGINAL BY FAX TO: Eric Wildman
District Judge
253 3rd Avenue North
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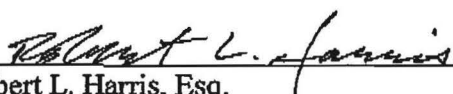
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