

LAWRENCE G. WASDEN
ATTORNEY GENERAL

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

GARRICK L. BAXTER, ISB #6301
JOHN HOMAN, ISB #3927
MEGHAN CARTER, ISB #8863
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 287-4800
Facsimile: (208) 287-6700
garrick.baxter@idwr.idaho.gov
john.homan@idwr.idaho.gov
meghan.carter@idwr.idaho.gov

Attorneys for Defendants Gary Spackman and
the Idaho Department of Water Resources

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

D.L. EVANS BANK,

Plaintiff,

vs.

BALLENTYNE DITCH COMPANY,
LIMITED; THOMAS MECHAM RICKS,
GARY SPACKMAN, IN HIS OFFICIAL
CAPACITY AS THE DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER
RESOURCES; AARON RICKS, DIRECTOR
OF BALLENTYNE DITCH COMPANY;
SHAUN BOWMAN, DIRECTOR OF
BALLENTYNE DITCH COMPANY; JOE
KING, DIRECTOR OF BALLENTYNE
DITCH COMPANY; STEVE SNEAD,
DIRECTOR OF BALLENTYNE DITCH

Case No. CV-OC-2013-17406

AFFIDAVIT OF REX R. BARRIE

COMPANY,

Defendants.

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

REX R. BARRIE, being first duly sworn, deposes and states:

1. I am over the age of eighteen and the facts I state below are based upon my personal knowledge.

2. I am employed by Water District No. 63. I have been appointed by the Director of Idaho Department of Water Resources as Water Master for Water District No. 63, which includes Basin 63 and the Boise River. I have been the Water Master for Water District No. 63 since 2008.

3. As Water Master for Water District No. 63, I am responsible for administering the water rights on the Boise River system.

4. When administering water rights on the Boise River, my responsibility is to make sure the quantity of water, specified in a water right, is delivered to its point of diversion. Once the water is delivered to the water right holder at the point of diversion, I do not supervise or monitor how the water is used, nor how it is distributed to others within the authorized place of use.

//

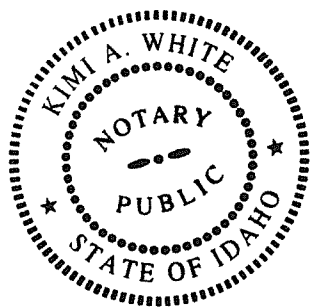
//


//

DATED this 22 day of January 2015.


Rex R. Barrie

SUBSCRIBED AND SWORN To before me this 22nd day of January 2015.




NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
Commission Expires: 04/01/16

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of January 2015, I caused a true and correct copy of the foregoing document to be filed with the Court and served on the following parties by the indicated methods:

Original to:
Clerk of the Court
Ada County District Court
200 W. Front Street
Boise, Idaho 83702
Facsimile: (208) 287-6919

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

R.C. Stone
Jason R. Naess
Parsons, Smith, Stone, Loveland
& Shirley, LLP
137 West 13th Street
P.O. Box 910
Burley, Idaho 83318
Facsimile: (208) 878-0146
rcstone@pmt.org
jason@pmt.org

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

S. Bryce Farris
Sawtooth Law Offices, PLLC
1101 W. River Street, Ste. 100
Boise, Idaho 83707
Telephone: (208) 629-7447
Facsimile: (208) 629-7559
bryce@sawtoothlaw.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

Chris Bromley
McHugh Bromley
Attorneys at Law, PLLC
380 South 4th Street, Suite 103
Boise, Idaho 83702
Facsimile: (208) 287-0864
cbromley@mchughbromley.com

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email



MEGHAN CARTER
Deputy Attorney General