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*Attorney for City of Eagle*

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR )  
PERMIT NO. 63-32573 IN THE NAME OF )  
M3 EAGLE LLC ASSIGNED TO THE CITY OF )  
EAGLE )

**AFFIDAVIT OF BRUCE M.  
SMITH**

STATE OF IDAHO )  
County of Ada )  
ss.

BRUCE M. SMITH, being first duly sworn upon oath and upon his personal knowledge,  
deposes and says:

1. I am counsel for the City of Eagle.
2. On September 22, 2011, the parties in the above proceeding took the depositions of Matthew Weaver and Don Reading.
3. Attached hereto are true and correct copies of the deposition transcripts of Mr. Weaver and Mr. Reading.

ORIGINAL

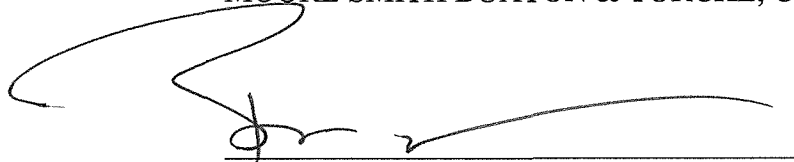
4. These transcripts do not include the exhibits to the depositions but the CD which accompanies this affidavit contains both the transcript and the exhibits. The CD was prepared by my office from the transmission received from the Court Reporters. The CD is incorporated into this affidavit.

5. As of October 17, 2011, I have received no notice that either of the deponents made any changes to their deposition testimony.

6. Further your affiant sayeth not.

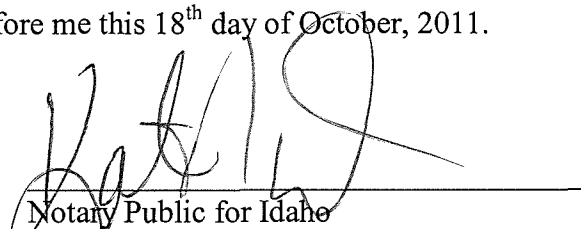
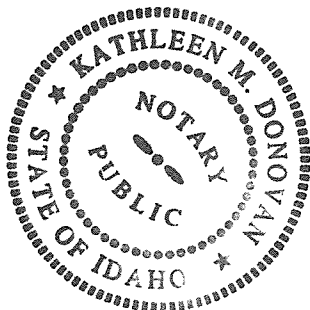
DATED this 18<sup>th</sup> day of October, 2011.

MOORE SMITH BUXTON & TURCKE, CHTD.



Bruce M. Smith  
Attorney for the City of Eagle

SUBSCRIBED and SWORN to before me this 18<sup>th</sup> day of October, 2011.



Notary Public for Idaho  
Residing at Boise, ID  
Commission expires: 08/08/2012