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Department of Water Resources

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Attorneys for Emmett Irrigation District

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 Case No. 39576	Subcase Nos. 65-11412 and 65-11412A **AFFIDAVIT OF ROY MAXWELL IN SUPPORT OF EMMETT IRRIGATION DISTRICT'S MOTION FOR SUMMARY JUDGMENT**

State of IDAHO)
) ss.
County of Gem)

I, ROY MAXWELL, being first duly sworn upon oath, deposes and says:

1. I am the Superintendent for Emmett Irrigation District (the "District"), Emmett, Idaho, and have personal knowledge of the facts contained herein and make this affidavit in support of the District's Motion for Summary Judgment on the following facts.

2. Emmett Irrigation District depends upon the operation of the hydro pumps at Black Canyon Dam to lift its irrigation allotment of approximately 330 cubic feet per second ("cfs") into its North Side Canal.

3. At any given time during the irrigation season, there are two hydro pumps which are operated for the sole benefit of the District, and serve no purpose other than lifting irrigation water approximately 30 feet in elevation into the District's North Side Canal.

4. The hydro pumps require the hydraulic force of 220 cfs (110 cfs per pump) to create the mechanical energy needed to lift the District's 330 cfs allotment (approximately 165 cfs lifted by each pump) into its North Side Canal.

5. The hydro pumps are housed within the powerhouse located immediately behind Black Canyon Dam on the downstream side of the dam.

6. Water is conveyed to the two hydro pumps via penstocks (large water pipes), and each hydro pump is fed by its own penstock.

7. Water enters the penstocks roughly 30 feet below the top of the dam, and the force of that water is further increased as the penstocks channel that water down an approximately 60 foot drop in elevation as the penstocks enter the powerhouse.

8. Each penstock channels approximately 275 cfs of water to its corresponding hydro pump. That penstock then forks in two, conveying 110 cfs to a turbine located at the bottom of the hydro pump drive shaft, while the remaining 165 cfs is lifted into the District's North Side Canal by an impeller (propeller) driven by the mechanical force of the spinning turbine.

9. The "turbine fork" water is then discharged back into the Payette River just below the powerhouse after it passes through the turbine, while the "impeller fork" water is lifted into the District's North Side Canal.

10. In sum, a combined 220 cfs (110 cfs per hydro pump) is used to lift 330 cfs (165 cfs per hydro pump) into the District's North Side Canal. The hydraulic force of the 220 cfs is converted into mechanical force by a turbine and the pump shaft, and that mechanical energy drives the impellers lifting the 330 cfs into the District's North Side Canal.

11. I took a series of photographs, attached as Exhibits A through F hereto.

12. The photos labeled DIST 00775 to DIST 00778 depict the starting point of the North Side Canal (Exhibit A), the facility that receives the hydro pumped water.

13. Photos DIST 00779 through DIST 00782, and DIST 00093 through DIST 00094 depict the north abutment of the original District diversion dam which spanned the Payette River upstream of Black Canyon Dam (Exhibit B). The original diversion dam diverted water into the District's North Side Canal at a location further upstream prior to the construction of the Black Canyon facility.

14. Photos DIST 00783 and DIST 00786 show the hydro pump penstocks as they channel water down to the hydro pumps on the downstream side of Black Canyon Dam. These photos also illustrate the majority of the 60 foot drop in elevation that the penstocks provide as they channel the pump drive, and North Side Canal irrigation water, down into the powerhouse (Exhibit C).

15. Photo DIST 00784 shows a spare hydro pump impeller and turbine in the background with a larger turbine in the foreground (Exhibit D).

16. Photo DIST 00785 shows the downstream spillway of Black Canyon Dam as well as the powerhouse building (Exhibit E).

17. Photos DIST 00787 through DIST 00792 are various shots of the hydro pumps from different vantage points within the powerhouse at Black Canyon Dam (Exhibit F).

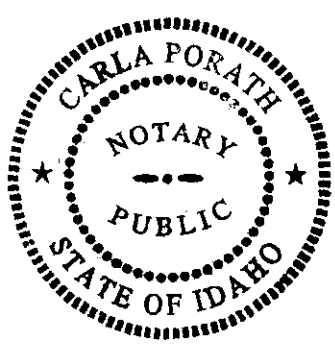
DATED this 5 day of February 2003.

By _____
Roy Maxwell, Superintendent
Emmett Irrigation District

SUBSCRIBED AND SWORN to before me this 5th day of February 2003.

_____
NOTARY PUBLIC FOR IDAHO
Residing at: Emmett
Commission Expires: 1/19/2007

SEAL



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of February 2003, I caused a true and correct copy of the foregoing **AFFIDAVIT OF ROY MAXWELL IN SUPPORT OF EMMETT IRRIGATION DISTRICT'S MOTION FOR SUMMARY JUDGMENT** to be served by the method indicated below, and addressed to the following:

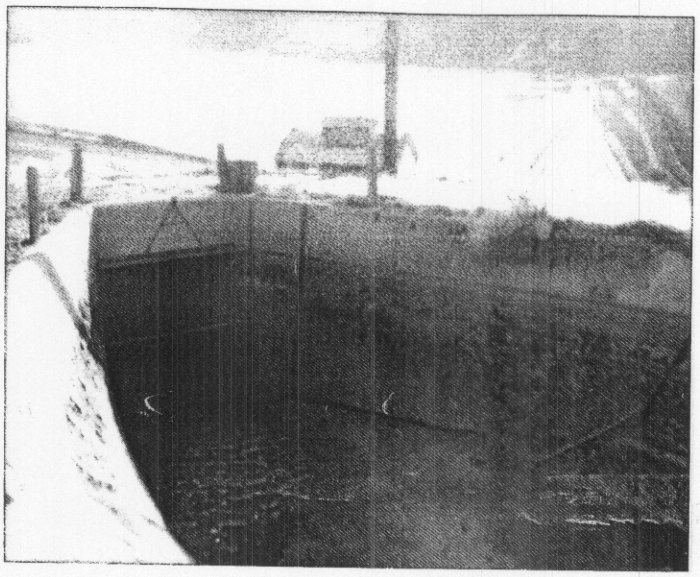
David W. Gehlert
Department of Justice
General Litigation Section
999 18th Street, Suite 945
Denver, CO 80202

(✓) U.S. Mail, Postage Prepaid
( ) Hand Delivered
( ) Overnight Mail
( ) Facsimile

Director of IDWR
P.O. Box 83720
Boise, Idaho 83702-0098

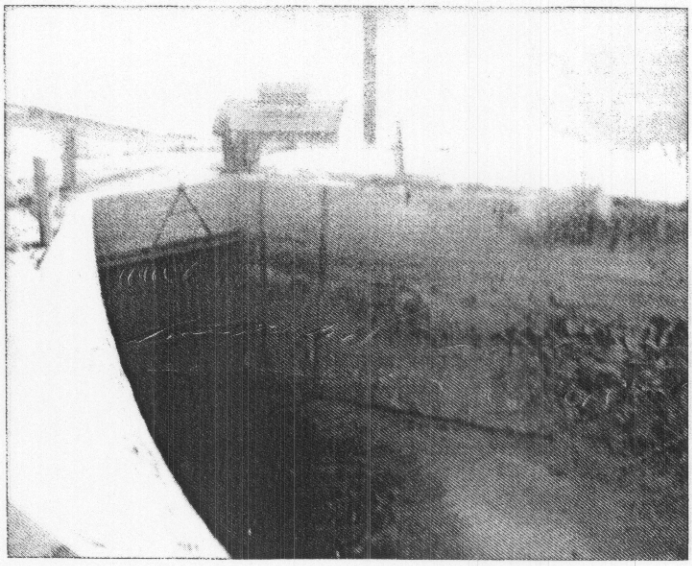
(✓) U.S. Mail, Postage Prepaid
( ) Hand Delivered
( ) Overnight Mail
( ) Facsimile

Scott L. Campbell



DIST00775

Exhibit A



Hydros pump water into EID northside canal

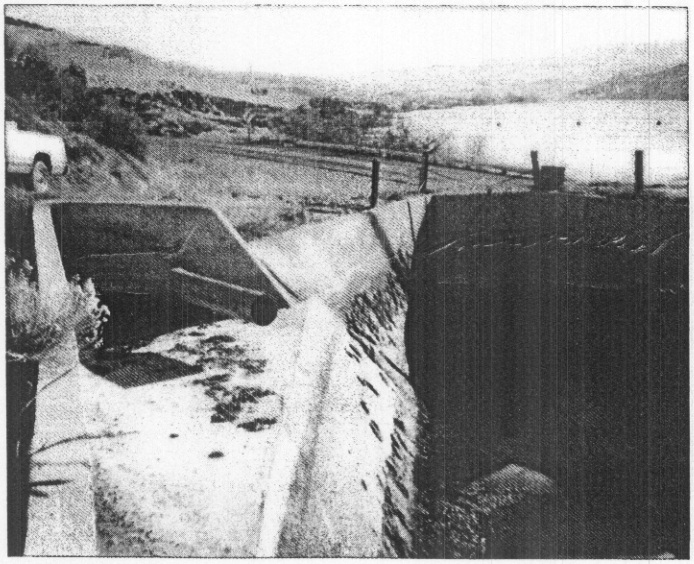
DIST00776

Exhibit A



DIST00777

Exhibit A



DIST00778

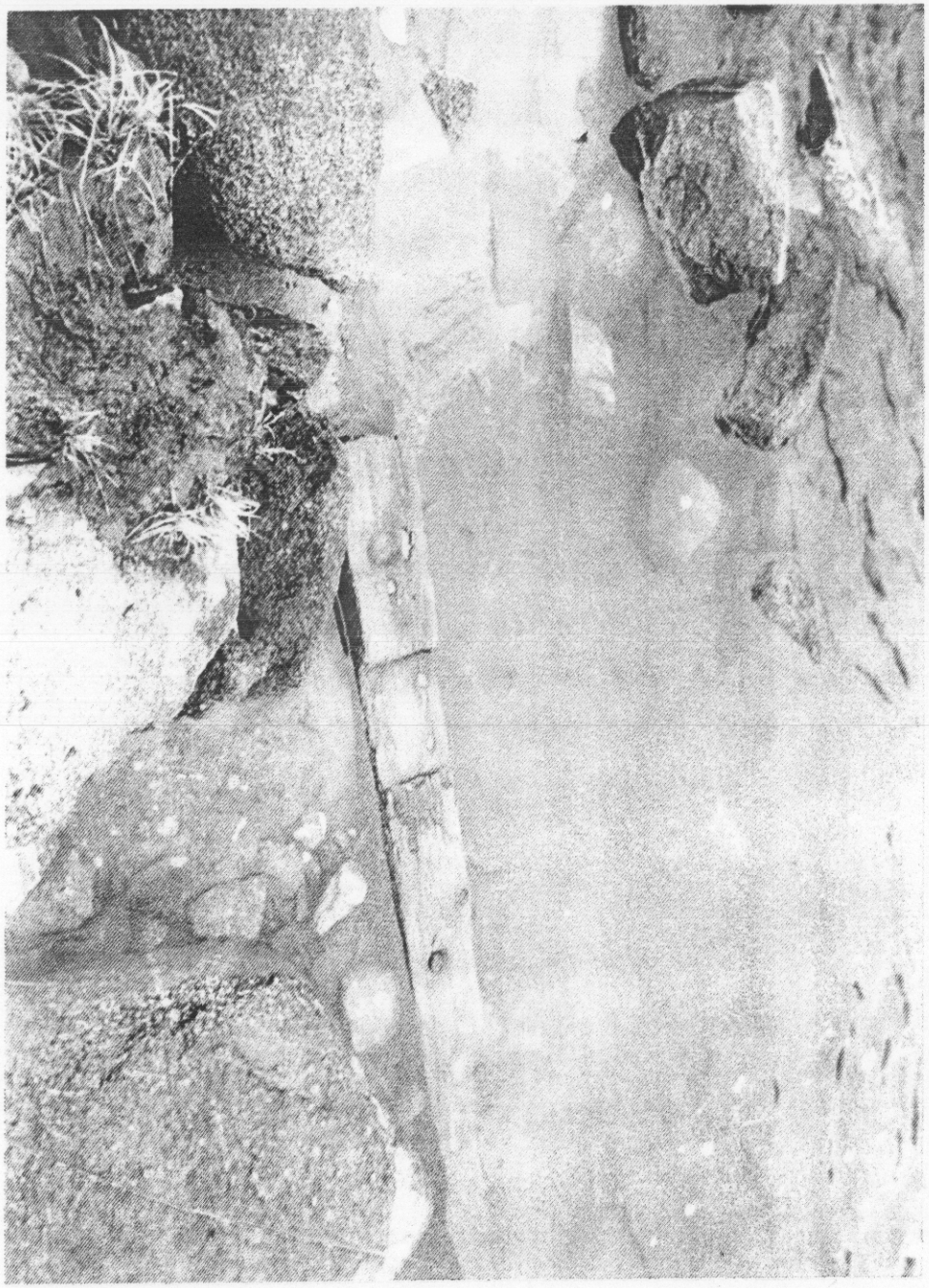
Exhibit A

DIST00779

Exhibit B

DIST00780

Exhibit B



DIST00782 Exhibit B



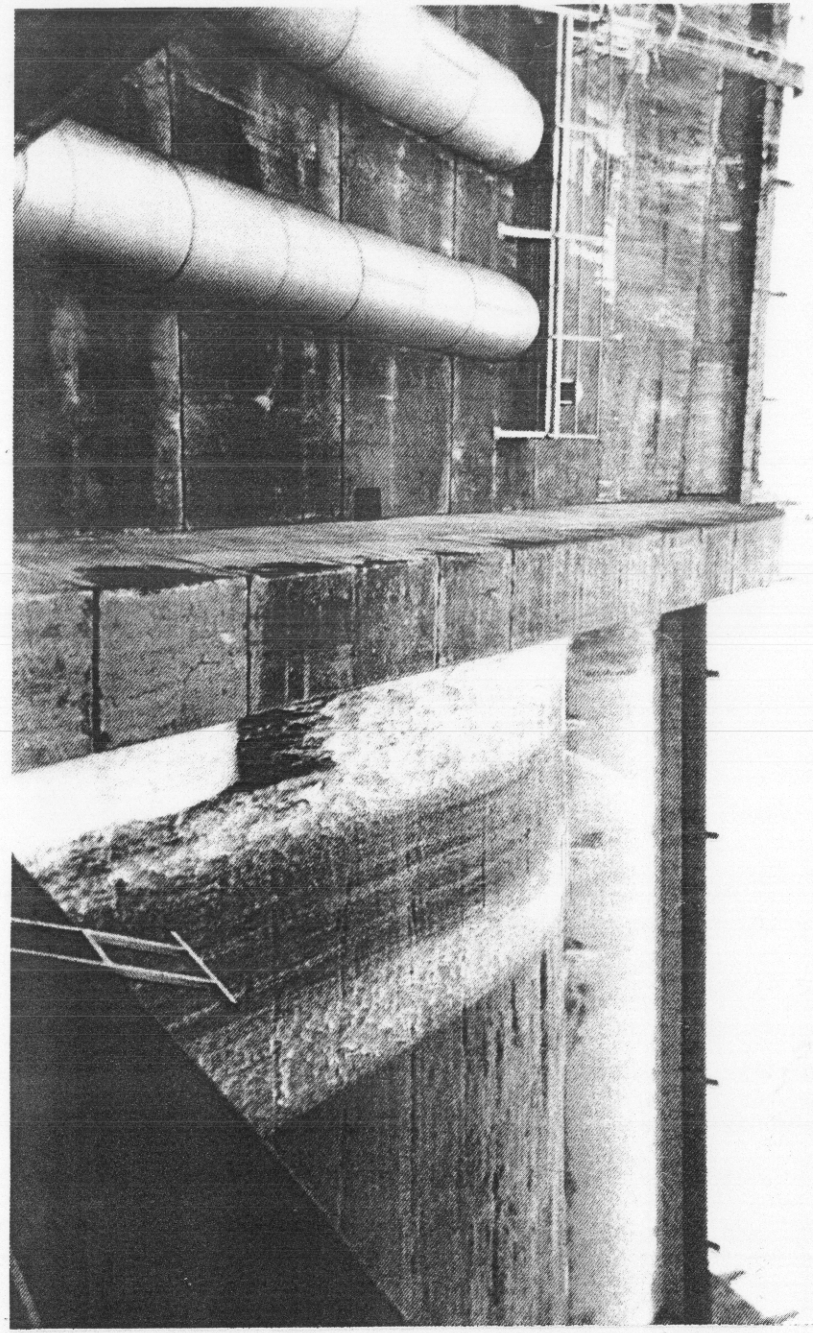
DIST00781 Exhibit B

DIST00783

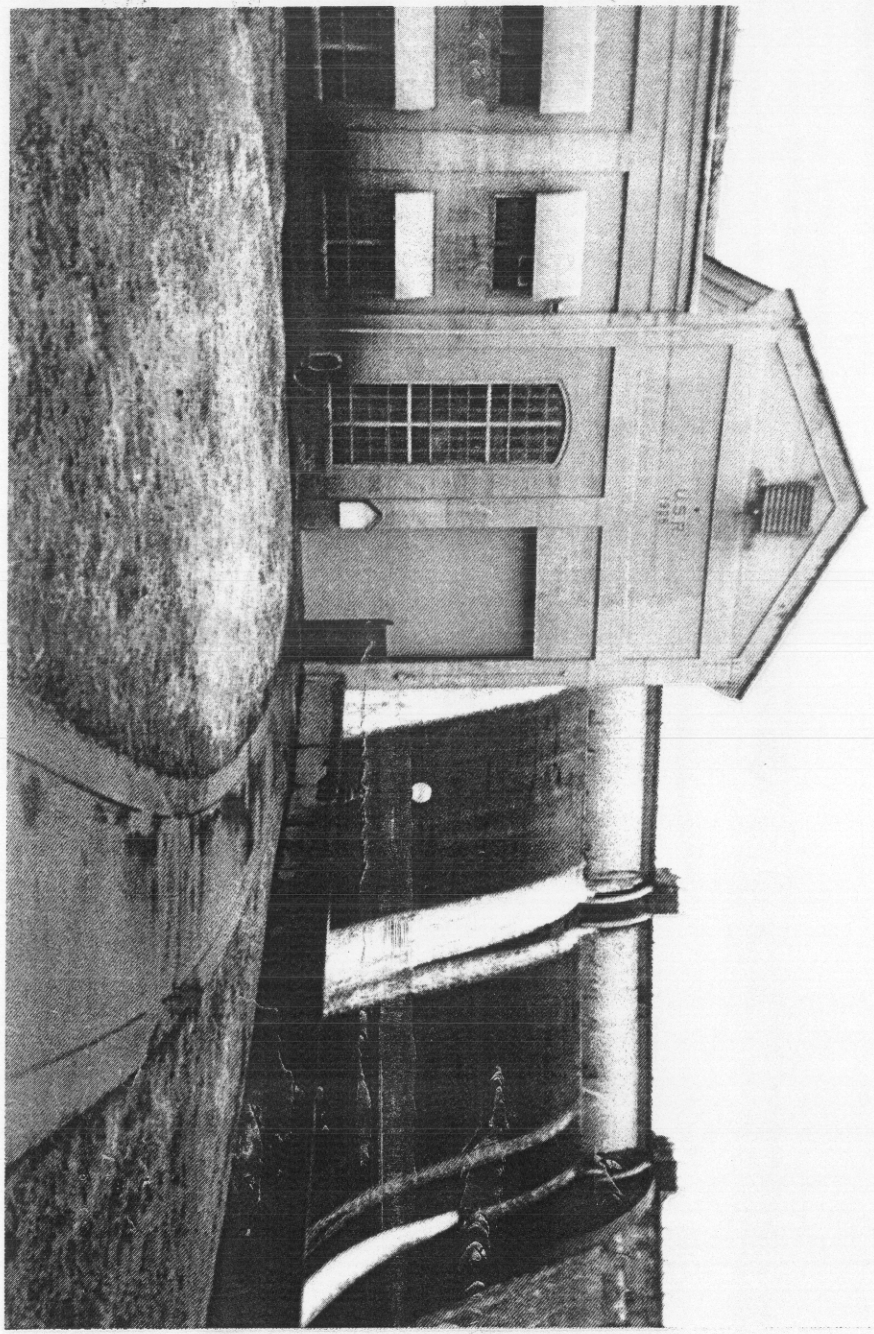
Exhibit C

DIST00784

Exhibit D

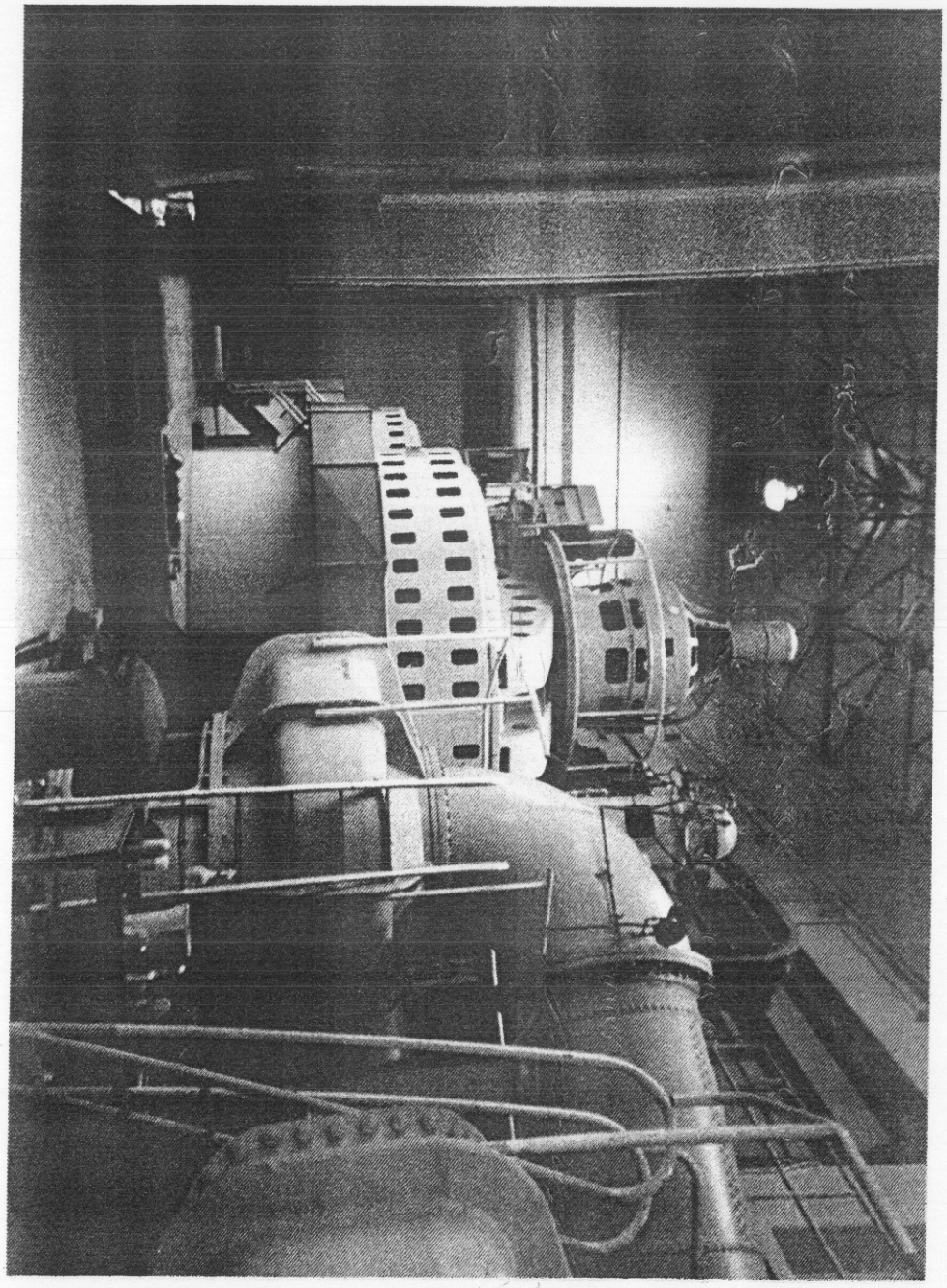


DIST00786 Exhibit C

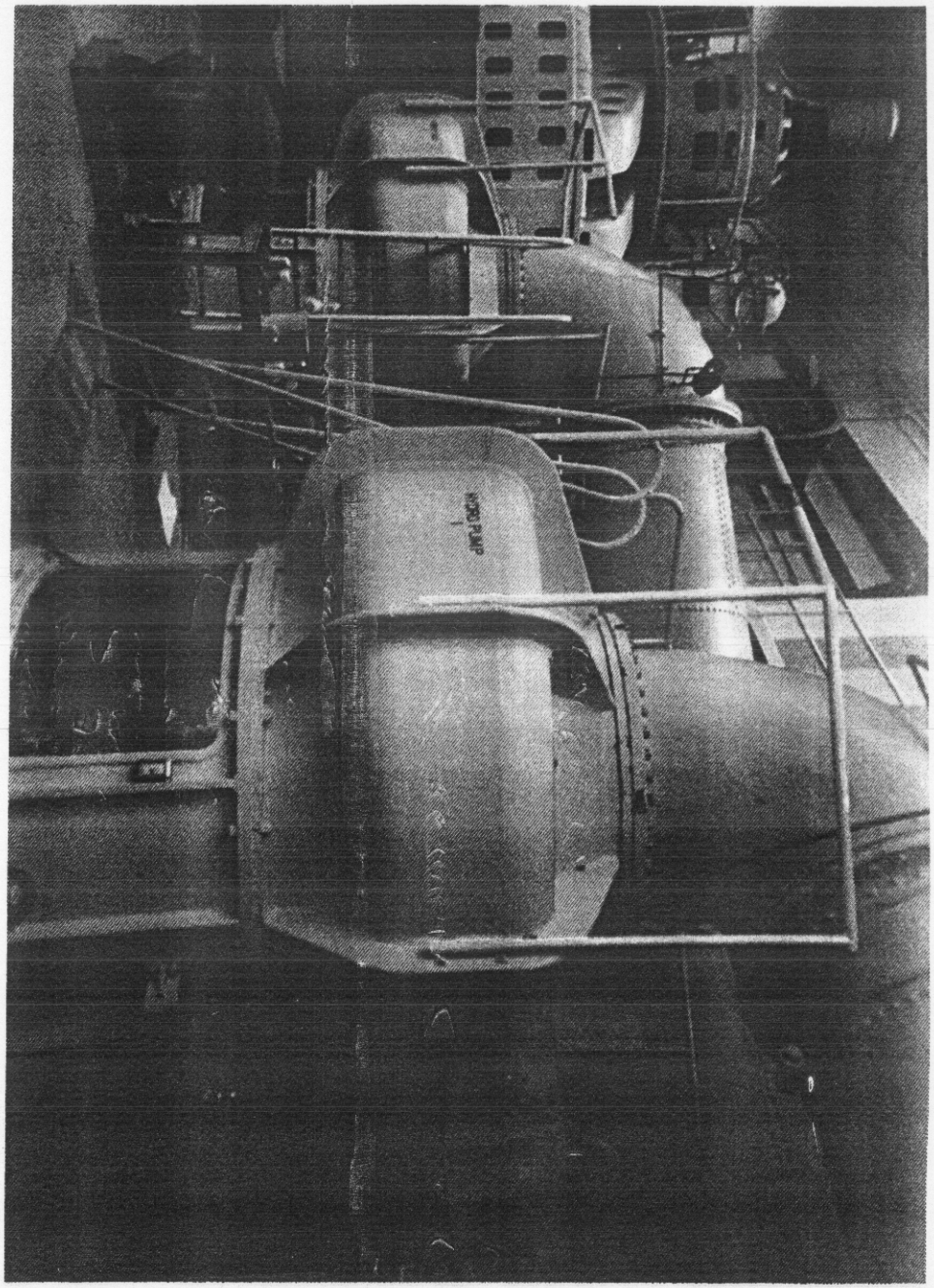


DIST00785 Exhibit E

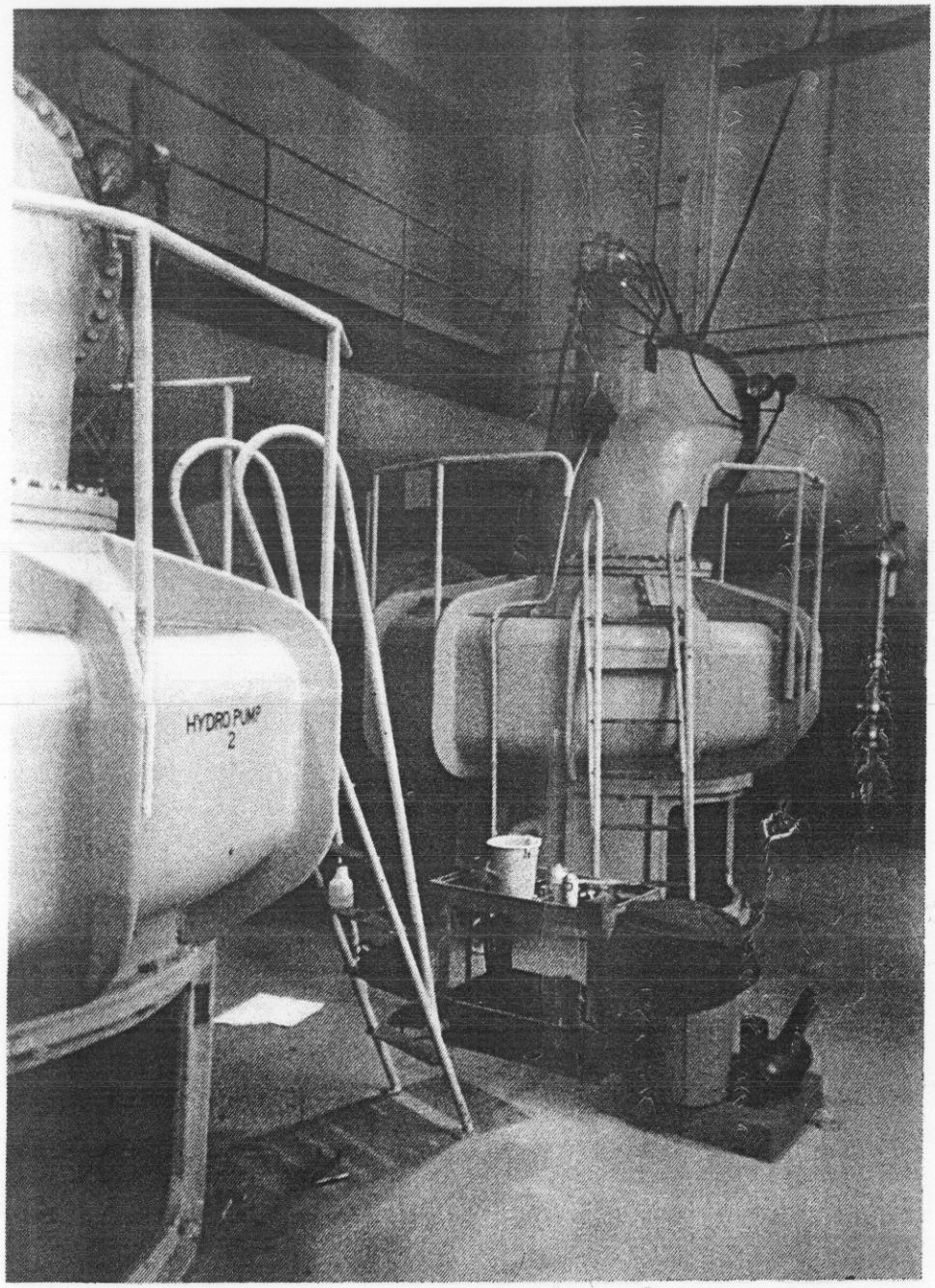
Black Canyon Dam



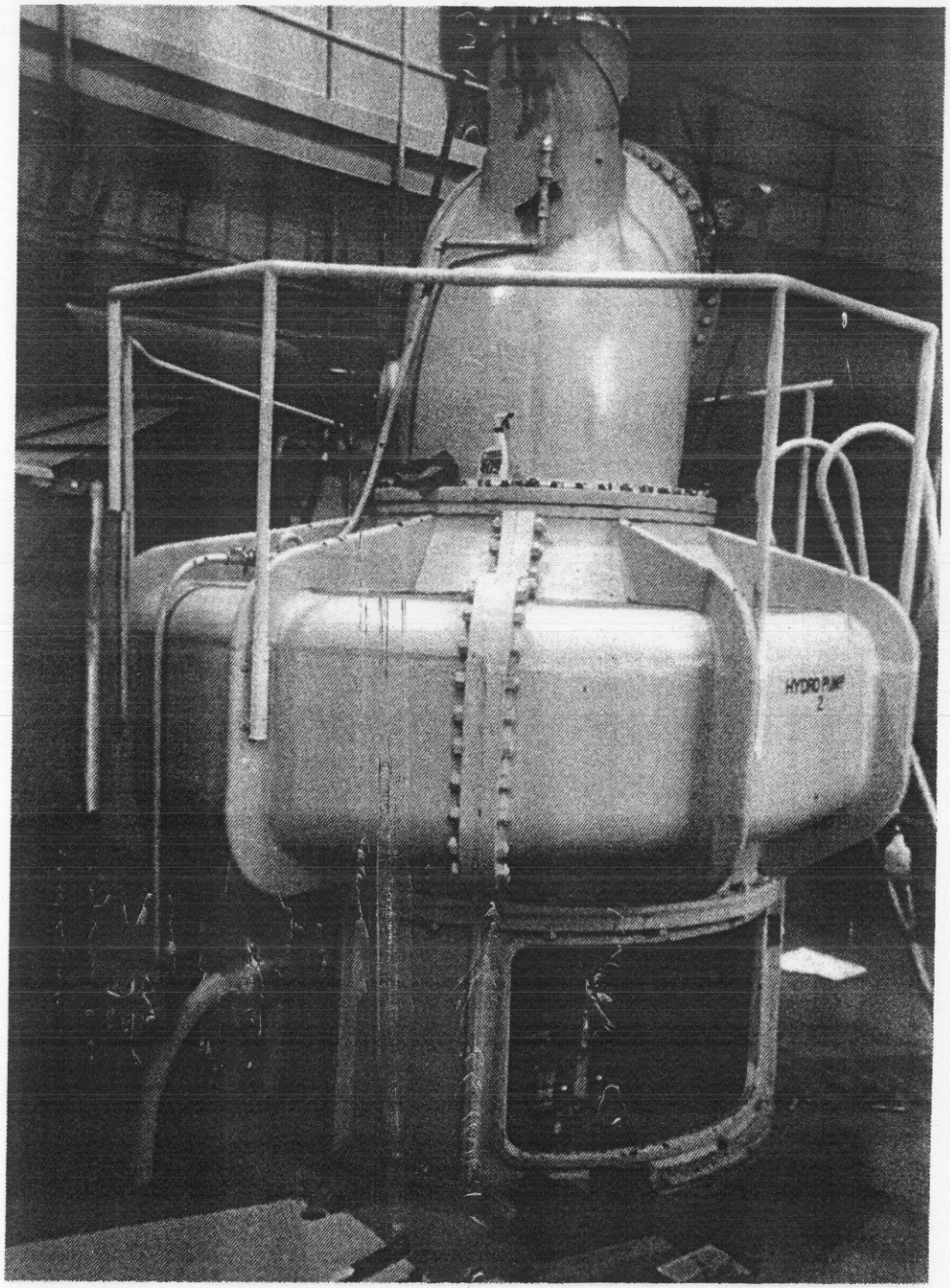
DIST00788 Exhibit F



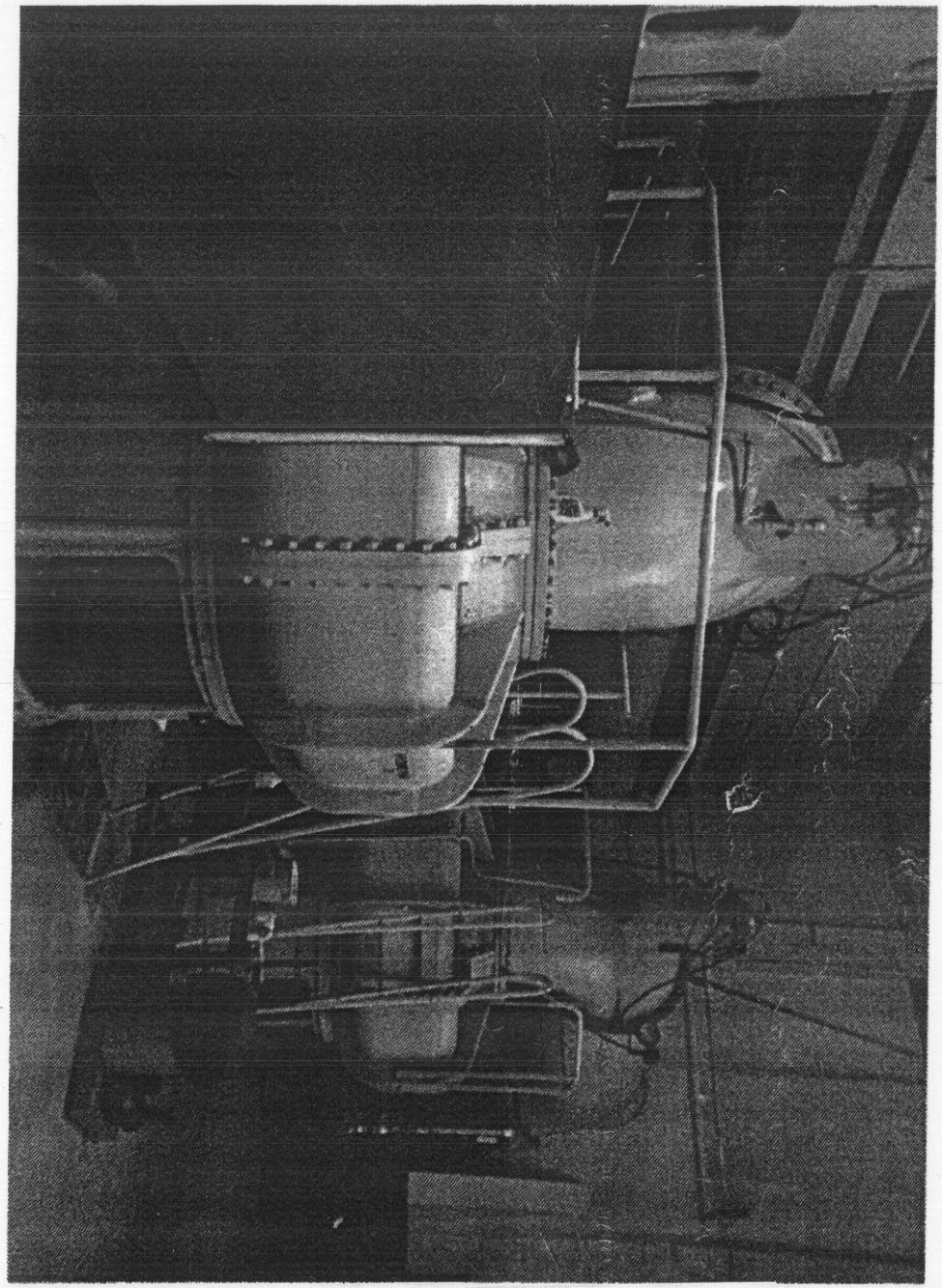
DIST00787 Exhibit F



DIST00790 Exhibit F



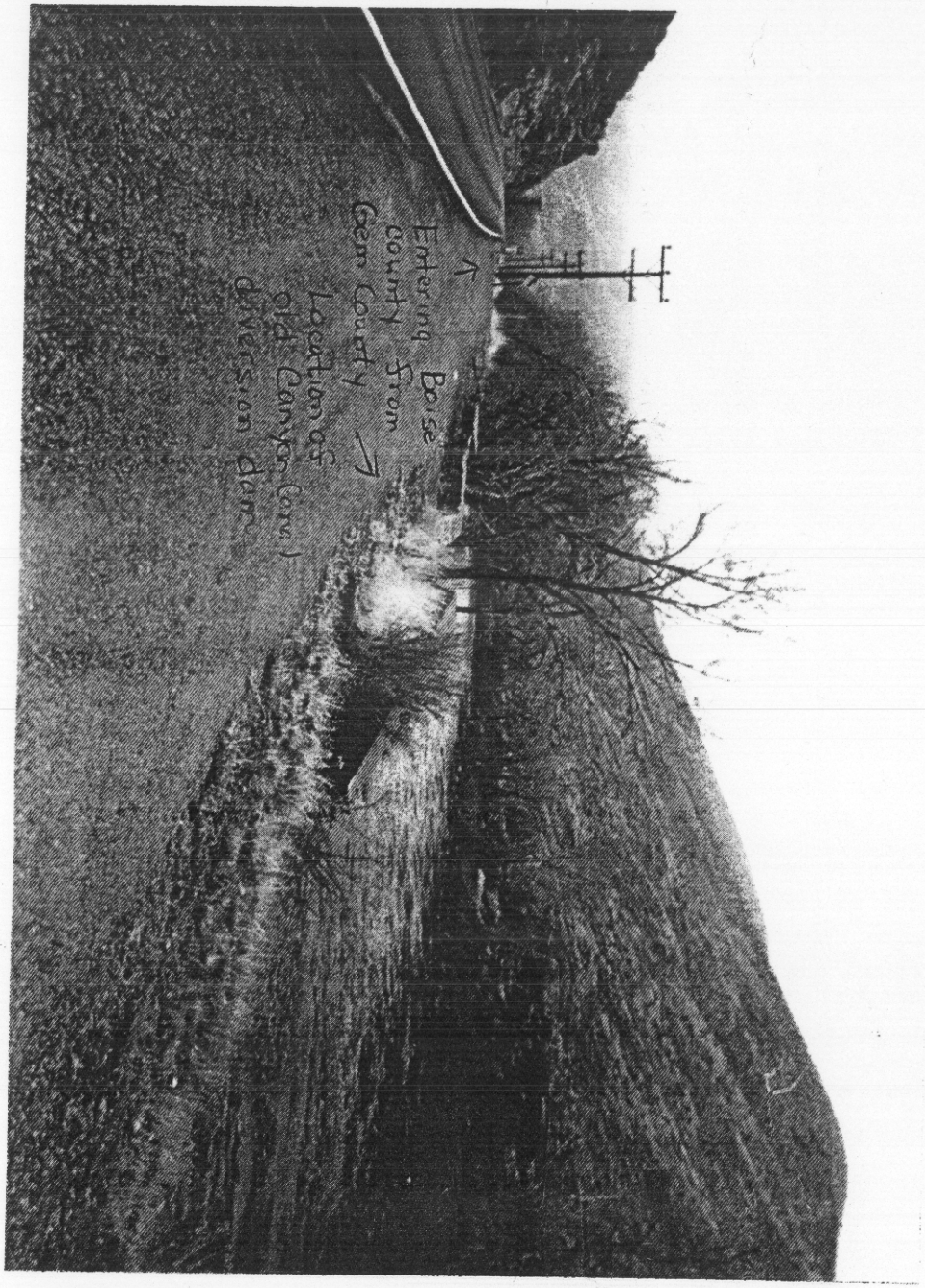
DIST00789 Exhibit F



DIST00792 Exhibit F



DIST00791 Exhibit F



DIST00794

Exhibit B



DIST00793

Exhibit B