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RECEIVED

MAR 17 2003

Department of Water Resources

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

Subcase Nos. 65-11412 and 65-11412A

Case No. 39576

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 Response to United States' Motion for Summary Judgment
on the following facts.

AFFIDAVIT OF ROY MAXWELL IN SUPPORT OF EMMETT
IRRIGATION DISTRICT'S RESPONSE TO UNITED STATES'
MOTION FOR SUMMARY JUDGMENT - 1

BOI_M12-503643.1

2. When the hydro pumps at Black Canyon Dam are operating, the amount of water pumped into the District's North Side Canal is directly related to the amount of water needed to drive the hydro pumps. In other words, as the amount of water going into the North Side Canal increases so does the amount of water needed to operate the hydro pumps.

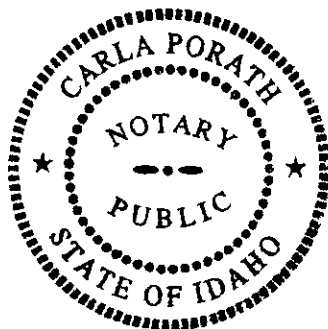
DATED this 11 day of March 2003.

By

Roy Maxwell
Roy Maxwell, Superintendent
Emmett Irrigation District

SUBSCRIBED AND SWORN to before me this 11 day of March 2003.

S
E
A
L



Carla Porath
NOTARY PUBLIC FOR IDAHO

Residing at: Emmett

Commission Expires: 11/19/2007

**AFFIDAVIT OF ROY MAXWELL IN SUPPORT OF EMMETT
IRRIGATION DISTRICT'S RESPONSE TO UNITED STATES'
MOTION FOR SUMMARY JUDGMENT - 2**

BOI_MT2-503643.1

CERTIFICATE OF SERVICE

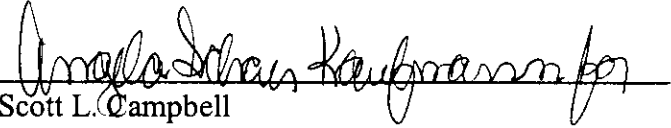
I HEREBY CERTIFY that on the 14th day of March 2003, I caused a true and correct copy of the foregoing **AFFIDAVIT OF ROY MAXWELL IN SUPPORT OF EMMETT IRRIGATION DISTRICT'S RESPONSE TO UNITED STATES' MOTION FOR SUMMARY JUDGMENT** to be served by the method indicated below, and addressed to the following:

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