

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 <u>See Exhibit A</u>
	)	
Case No. 39576	)	AFFIDAVIT IN SUPPORT OF
	)	MOTIONS TO AMEND
	)	
	)	
	)	

STATE OF IDAHO	)	
	)ss	
County of Cassia	)	

Robert Manning having been first duly sworn deposes and states:

1. I am the President of the claimant in the above subcases.
2. I have personal knowledge of all facts set forth herein.
3. At the time the original proofs of claim were filed I was unaware of the significance of the form of setting forth the date of use.
4. After the Director's Report was issued with the accompanying arial photography I was able to determine the original claims did not accurately set forth where the water being used in some instances and in other instances the correct acreages within those places of use.
5. I also learned that it was important that the period of use reflect our actual irrigation practices. With respect to the Birch Creek and Mill Creek claims, the historical irrigation practice is to begin irrigating as soon as water begins running down the creeks in the spring. Because these are run off creeks, the earlier the water starts running the

earlier it stops running and it is important to use it while it is available.

6. I was also able to review with IDWR using the arial photography and establish the specific and correct places of use and acreages.

7. We submitted objections to the Director's Report based upon this new information and in discussing it with IDWR at the initial hearing determined that it would be necessary to file amended claims to address some of the objections.

8. Following the initial hearing we had a lengthy meeting with IDWR again reviewing which of the claims needed to be amended to accurately reflect historic use.

9. The amended claims filed in the above subcases include the corrections which were discussed and as itemized on each motion in support of the amended claims.

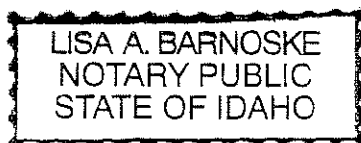
10. The Mill Creek and Birch Creek water rights are very old rights with a long history of historic use and it is important that historic use be reflected in the claims, in the Director's Report, and the ultimate decree.

11. The delay in filing the amended claims resulted from my late discovery of the errors recited above and which were brought to the attention of IDWR in the objections submitted to the Director's Report.

DATED this 8th day of November 2005.


Robert Manning

Subscribed and sworn before me this 8th day of November 2005.




Notary Public
Residing at: Burley, Id.
My Commission Expires: 9/28/10

Exhibit A
Manning Rights

45-00085
45-00090
45-00596
45-00597
45-00622A
45-00622B
45-00674
45-02529
45-04191A
45-04192
45-04195
45-12456
45-13489
45-13496
45-13497

CERTIFICATE OF MAILING

I certify that on November 8, 2005, I mailed the original and copies of this Affidavit in Support of Motions to Amend to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

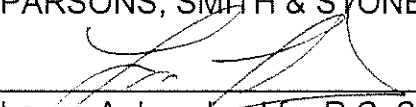
Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

Tim Payton, President
Represented by: Travis L. Thompson
113 Main Avenue West, Ste 303
Twin Falls, ID 83301-6167

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street MSC 033
Boise, ID 83724

PARSONS, SMITH & STONE, LLP



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Burley, ID 83318