

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

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Subcase 45-80B & 45-81B

**AFFIDAVIT IN SUPPORT OF  
MOTIONS TO AMEND**

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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.

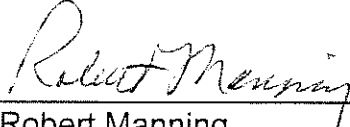
8. Following the initial hearing we had a lengthy meeting with IDWR again reviewing which of the claims needed to be amended to accurately reflect historic use.

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.

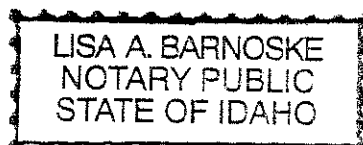
10. The Mill Creek and Birch Creek water rights are very old rights with a long history of historic use and it is important that historic use be reflected in the claims, in the Director's Report, and the ultimate decree.

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 15<sup>th</sup> day of November 2005.

  
Robert Manning

Subscribed and sworn before me this 15<sup>th</sup> day of November 2005.



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

## CERTIFICATE OF MAILING

I certify that on November 15, 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:

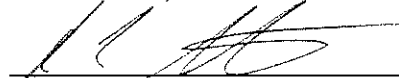
Director of IDWR  
P.O. Box 83720  
Boise, ID 83720-0098

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



R.C. Stone  
Attorneys for Manning Ranches, Inc.  
137 West 13<sup>th</sup> Street  
P.O. Box 910  
Burley, ID 83318

Exhibit A  
Manning Rights

45-41  
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

Department of Water Resources

## STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

**AFFIDAVIT IN SUPPORT OF  
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AMENDED AFFIDAVIT IN SUPPORT OF MOTIONS TO AMEND - Page 1

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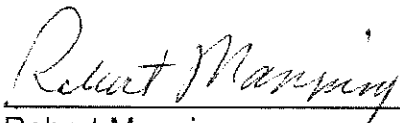
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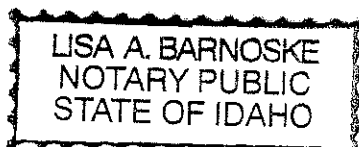
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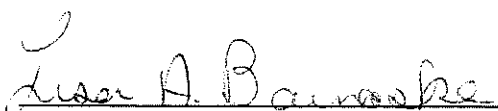
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State of Idaho  
P.O. Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment and Natural Resource Division  
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Boise, ID 83724

PARSONS, SMITH & STONE, LLP

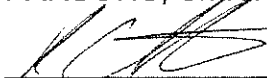
  
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