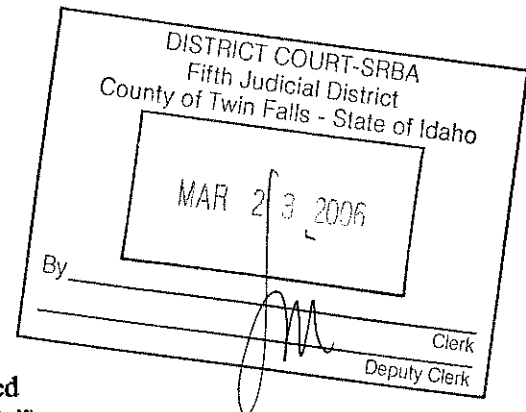


Jerry R. Rigby (Bar No. 2470)
 of RIGBY, THATCHER, ANDRUS,
 RIGBY, KAM & MOELLER, Chartered
 25 North Second East
 P.O. Box 250
 Rexburg, Idaho 83440
 Phone: 208 356-3633
 FAX: 208 356-0768
 Attorneys for Movant Lava Irrigation Company, Limited
 & Dempsey Canal Company (hereinafter "Movants")



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.: Basin 29 Water Rights
) Signatories to Portneuf River Settlement
)
) AFFIDAVIT OF KIRK IRICK IN
) SUPPORT OF MOTION TO
) ALTER OR AMEND ORDERS
) PARTIAL DECREES ON PORTNEUF
) RIVER

STATE OF IDAHO,)
 ss.)
 County of Bingham.)

Kirk Irick being duly sworn deposes and says:

1. I am an officer on the Board of Lava Irrigation Company, Limited, one of the
 Movants in the above entitled action and have been extensively involved with the adjudication of
 its rights.

2. I am aware that the records of IDWR will support diversions by the upper

Portneuf River users occurred on a regular basis prior to the end of the regular season.

3. I have read and reviewed the Motion to which this Affidavit is attached and concur in the facts as set forth therein.

4. I was unaware that the analysis used by the Department in determining the 17.4 historic drop in the gauge at Topaz assumed NO diversions prior to the end of the regular season until after the Portneuf River Settlement Agreement was signed and the court accepted the settlement and incorporated it into the various water rights and partial decrees.

5. I relied upon the Court's expert, IDWR, to calculate the methodology used in determining the historic drop in fulfilling the intent of the parties to maintain historic uses.

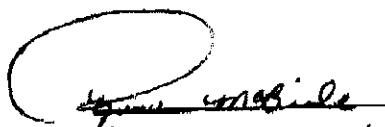
WHEREFORE, Affiant prays that Movants' Motion be granted in this cause.

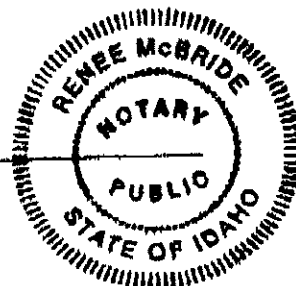

Kirk Irick

SUBSCRIBED AND SWORN to before me this 23rd day of March,

2006.

for Idaho


Exp. May 31, 2006



Notary Public

hawa Hot Springs, Idaho
May 31, 2006

Residing at:

My Commission Expires: