

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.: 35-4190
)
) AFFIDAVIT OF
) Corporation of the Presiding Bishop of The
) Church of Jesus Christ of Latter-day Saints,
) a Utah corporation sole

STATE OF UTAH)
 ss.
County of Salt Lake)

Terry F. Rudd, having been duly sworn, states under oath as follows:

1. Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-Day Saints, a Utah corporation sole ("Water Rights Owner"), is a property owner in Bingham County, Idaho, and owns the above referenced water right.

2. I certify that I am presently and at all times relevant to this motion, the duly authorized representative of the Water Rights Owner. Said water right(s) are authorized to irrigate land located within an irrigation canal company or irrigation district in the Bingham County area.

3. Along with the authorized representatives of said irrigation canal company or irrigation district, the Water Rights Owner has been involved with the adjudication and the water rights not only for its own water rights, but also certain local canal companies,

irrigation districts and individual water right holders within the Blackfoot, Bingham county area.

4. For the last several years, representatives of the above described water right(s) owners have been negotiating with the Idaho Department of Water Resources to develop a plan of water administration which would recognize and allow water diverted from the Snake River to be recovered from the groundwater under wells located within a surface irrigation system.

5. The general understanding of all parties participating was that an agreement would be forthcoming which would be similar to previously authorized settlements approved by IDWR and would be satisfactory to the water users of the Bingham County area. In fact, this understanding continues to exist with the Bingham County area parties which are participating in this mediation with IDWR and continue to believe that they qualify in every respect to be approved by IDWR and the SRBA Court.

6. Because the group fully understood that an agreement was forthcoming, when the time for objecting to our water rights came near, none of the affected water right owners believed we or they needed to do anything as the rights which would be addressed within the agreement would only be rights "added" to the otherwise recommended rights which were before the parties. Therefore, the affected water right owners and the undersigned Water Rights Owner did not object. Furthermore, the

irrigation companies and irrigation districts within the region were not required to file their objections until now.

7. Our counsel now advise the affected water right owners that it is imperative to have their objections in place as to the rights of the surface water irrigation entities as well as their ground water rights in order to preserve the right to add additional sources and rights to the water rights of the undersigned to which no objections have otherwise been filed.

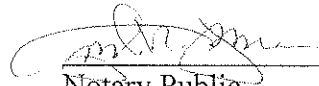
8. In the interest of justice, the undersigned Water Rights Owner respectfully requests that the court allow it to file a late objection in order to prove that its water rights should have the added benefit of recovery of its surface water rights by and through its ground water sources. Many other rights are similarly situated and are now before the court on similar legal and factual issues. The undersigned Water Rights Owner desires nothing more than to have its rights treated equally with all others similarly situated.

Dated this 4th day of October, 2006.

Corporation of the Presiding Bishop of The
Church of Jesus Christ of Latter-Day
Saints, a Utah corporation sole

By Terry F. Rudd GSC
Terry F. Rudd, Authorized Agent

SUBSCRIBED AND SWORN to before me this 4th day of October, 2006.



Notary Public

Residing at: SALT LAKE COUNTY

My Commission Expires: 9/25/2008

