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Attorneys for Objectors

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.: 27-07095
)
) AFFIDAVIT OF
) W. Sherman Williams
)
)

STATE OF IDAHO)
)
 ss.
County of Bingham)

W. Sharon Zittel having been duly sworn, states under oath as follows:

1. I am a resident of Bingham County, Idaho.
2. I certify that I am presently and at all times relevant to this motion, the owner or duly authorized representative of the owner of the above entitled water right or water rights. Said water right(s) are authorized to irrigate lands 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, I have been extremely involved with the adjudication and the water rights not only for my 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) 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 us believed we 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 us. Therefore, we did not object. Furthermore, the irrigation companies and irrigation districts within the region were not required to file their objections until now.

7. We now understand and believe that it is imperative to have our objections in place as to the rights of the surface water irrigation entities as well as our ground water rights in order to preserve the right to add the additional sources and rights to our otherwise un-objected to water rights.

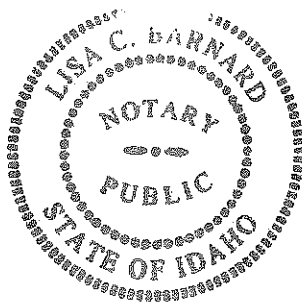
8. In the interest of justice, we respectfully request that the above entitled court allow us to file a late objection in order that we be granted the right to prove our water rights should have the added benefit of recovery of our surface water rights by our ground water sources. We are aware that many other rights are similarly situated and are presently before the court on similar legal and factual issues. We desire nothing more than to have our rights treated equally with all others similarly situated.

Dated this 26 day of September, 2006.

W. Sherrill Smith

By:

SUBSCRIBED AND SWORN to before me this 26 day of September, 2007.



Lisa C. Barnard

Notary Public for Idaho

Residing at: Blackfoot, Idaho

My Commission Expires:

July 26, 2011