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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  
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In Re: SRBA

Case No. 39576

)  
) Subcase Nos.: 27-07098  
)  
) AFFIDAVIT OF  
) Brent Cooper  
)  
)

STATE OF IDAHO                    )  
                                          ss.  
County of Bingham                )

Brent Cooper, 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 President of Blackfoot Irrigation Company, the Objector in the above entitled matter.
3. The water right(s) which is being objected to is authorized to irrigate lands located within the boundary of this Objector.
4. I certify that this Objector has been very involved with the adjudication and the water rights not only for this Objector, but also certain other local canal companies and

individual wells located within said companies and this Objector's boundaries.

5. For the past 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.

6. 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.

7. Because the group fully understood that an agreement was forthcoming, when the time for objecting to the above 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 to these individual wells. Furthermore, the irrigation companies and irrigation districts within the region were not required to file their own objections until now.

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

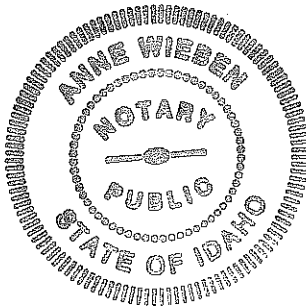
9. In the interest of justice, we respectfully request that the above entitled court

allow us to file a late objection to the above entitled water right(s) in order that we be granted the right to prove those water rights should have the added benefit of recovery of our surface water rights by these 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 5<sup>th</sup> October day of September, 2006.

President +  
Blackfoot Irrigator By: [Signature]

SUBSCRIBED AND SWORN to before me this 5<sup>th</sup> day of October, 2006.



[Signature]  
Notary Public for Idaho  
Residing at: Rigby  
My Commission Expires: 7/27/07