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RECEIVED

DEC 01 2006

DEPARTMENT OF
WATER RESOURCES

**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. 39567

)
) Subcase Nos.: (see attached Exhibit A)
)
)
) **AFFIDAVIT OF TRAVIS L. THOMPSON IN**
) **SUPPORT OF SWC MOTION FOR SUMMARY**
) **JUDGMENT**
)
)

STATE OF IDAHO

County of Twin Falls

)
) ss.
)

TRAVIS L. THOMPSON, being first duly sworn upon oath, deposes and hereby states as follows:

AFFIDAVIT OF TRAVIS L. THOMPSON IN SUPPORT OF SWC MOTION
FOR SUMMARY JUDGMENT

1. I am an attorney representing Milner Irrigation District, North Side Canal Company and Twin Falls Canal Company in the above-captioned matter. I am over the age of 18 and state the following based upon my own personal knowledge. All documents referenced below were retrieved from the Idaho Department of Water Resources, the SRBA Court, or from the exhibits attached to *Supplemental Director's Report Regarding City of Pocatello's Basin 29 State-Based Water Rights*.

2. Attached hereto as Exhibit A is a true and correct copy of the decree entered by the Bannock County District Court in *Sam B. Smith v. City of Pocatello* on June 5, 1926.

3. Attached hereto as Exhibits B.1, B.2, and B.3 are true and correct copies of the notices of claim for water rights #29-271, #29-272, and #29-273.

4. Attached hereto as Exhibits C.1, C.2, and C.3 are true and correct copies of the Director's recommendations to the SRBA Court for water rights #29-271, #29-272, and #29-273.

4. Attached hereto as Exhibits D.1, D.2, and D.3 are true and correct copies of the November 14, 2003 objections to water rights #29-271, #29-272, and #29-273 filed by the City of Pocatello.

5. Attached hereto as Exhibits E.1, E.2, and E.3 are true and correct copies of the November 18, 2003 amended objections to water rights #29-271, #29-272, and #29-273 filed by the City of Pocatello.

6. Attached here to as Exhibits F.1 and F.2 are true and correct copies of the water right licenses issued for water rights #29-7118 and #29-7119.

7. Attached hereto as Exhibits G.1 and G.2 are true and correct copies of the notices of claim for water rights #29-7118 and #29-7119.

8. Attached hereto as Exhibit H is a true and correct copy of the amended notice of claim filed for water rights #29-7118 and #29-7119.

9. Attached hereto as Exhibits I.1 and I.2 are true and correct copies of the Director's recommendations to the SRBA Court for water rights #29-7118 and #29-7119.

10. Attached hereto as Exhibits J.1 and J.2 are true and correct copies of the November 14, 2003 objections to water rights #29-7118 and #29-7119 filed by the City of Pocatello.

11. Attached hereto as Exhibits K.1 and K.2 are true and correct copies of the November 18, 2003 amended objections to water rights #29-7118 and #29-7119 filed by the City of Pocatello.

12. Attached hereto as Exhibit L is a true and correct copy of the water right license issued for water right #29-7431.

13. Attached hereto as Exhibit M is a true and correct copy of the notice of claim filed for water right #29-7431.

14. Attached hereto as Exhibit N is a true and correct copy of the amended notice of claim filed for water right #29-7431.

15. Attached hereto as Exhibit O is a true and correct copy of the Director's recommendation to the SRBA Court for water right #29-7431.

16. Attached hereto as Exhibit P is a true and correct copy of the water right permit issued for water right #29-07770.

17. Attached hereto as Exhibit Q is a true and correct copy of the proof of beneficial use form filed by the City of Pocatello for water right #29-07770.

18. Attached hereto as Exhibit R is a true and correct copy of the notice of claim filed for water right #29-07770.

19. Attached hereto as Exhibit S is a true and correct copy of the water right report for water right #29-07770 as listed on IDWR's website, www.idwr.idaho.gov, along with true and correct copies of an October 28, 2005 letter from David Tuthill to Jo Beeman and a June 23, 2005 memorandum from Jeff Peppersack to David Tuthill which discuss the licensing of water right #29-07770.

20. Attached hereto as Exhibit T is a true and correct copy of the amended claim filed for water right #29-07770.

21. Attached hereto as Exhibit U is a true and correct copy of the Director's recommendation to the SRBA Court for water right #29-07770.

22. Attached hereto as Exhibit V is a true and correct copy of the November 14, 2003 objection to water right #29-07770 filed by the City of Pocatello.

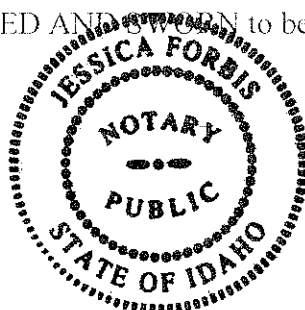
23. Attached hereto as Exhibit W is a true and correct copy of the November 18, 2003 amended objection to water right #29-07770 filed by the City of Pocatello.

Further you affiant sayeth nought.

DATED this 30th day of November, 2006.


Travis L. Thompson

SUBSCRIBED AND SWORN to before me this 30th day of November, 2006.




Notary Public for State of Idaho
Residing at Twin Falls, Idaho.
Commission Expires: 4/3/12

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of November, 2006, I served the foregoing AFFIDAVIT OF TRAVIS L. THOMPSON IN SUPPORT OF SWC MOTION FOR SUMMARY JUDGMENT upon the following:

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

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☐ Overnight Mail
☐ Facsimile
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Attorneys for State of Idaho

Environment & Natural Resources Division
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Attorneys for United States of America

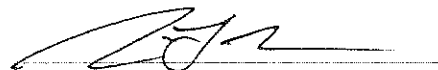

Travis L. Thompson

EXHIBIT A

Subcase Numbers

29-00271
29-00272
29-00273
29-07118
29-07119
29-07431
29-07770