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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Boise Project Board of Control, on its own behalf and on behalf of and for the following entities: New York Irrigation District, Wilder Irrigation District, Boise-Kuna Irrigation District, and Big Bend Irrigation District

**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 No. 63-3618
)
)
) **AFFIDAVIT OF TED DIEHL IN**
) **SUPPORT OF REPLY TO**
) **MOTIONS FOR SUMMARY**
) **JUDGMENT**
)
)

STATE OF IDAHO)

) ss

County of Ada)

I, TED DIEHL, being duly sworn upon oath, deposes and states as follows:

1. I am the manager of the North Side Canal Company. I am over the age of eighteen (18) and have personal knowledge of the facts stated herein.

2. The Bureau of Reclamation operates a number of dams and reservoirs in the upper Snake River Basin, including Palisades and Jackson Reservoirs, down to, and including, Milner Dam.

3. During the winter months from November 1, 2006 through April 16, 2007, the Bureau of Reclamation ("Bureau") conducted a number of flood-control storage releases out of the reservoirs in the upper Snake River.

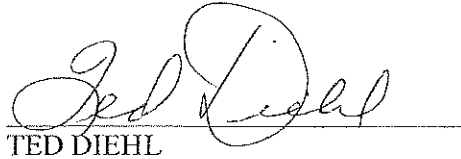
4. These flood control releases caused a 200,000 acre-foot shortfall in the storage accounts of the space holders at Palisades and Jackson Reservoirs.

5. The Bureau recognized this error and reduced the storage allocations for Palisades and Jackson Reservoirs for the 2007 irrigation season.

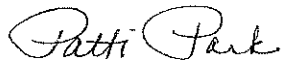
6. Attached hereto is a copy of the Water District 1 Water Report for June 5, 2007 briefly addressing this issue.

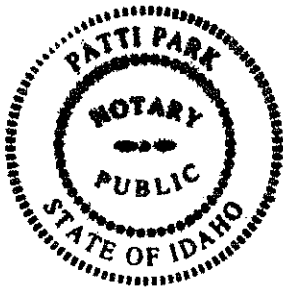
FURTHER YOUR AFFIANT SAYETH NAUGHT

DATED this 14th Day of February, 2008.


TED DIEHL

SUBSCRIBED AND SWORN to before me this 15th Day of February, 2008.


Notary public for: State of Idaho
Residing at: Bowen, Idaho
Commission expires: 2-19-2010



CERTIFICATE OF SERVICE

I certify that on February 15, 2008, I served a true and correct copy of the foregoing **AFFIDAVIT OF TED DIEHL IN SUPPORT OF REPLY TO MOTIONS FOR SUMMARY JUDGMENT** via first class mail, postage paid, and addressed as follows:

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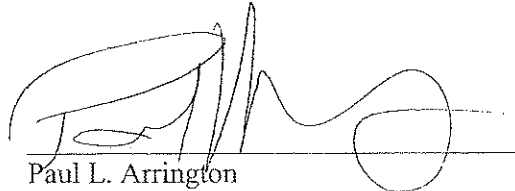
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Paul L. Arrington

WATER REPORT – June 5, 2007

Storage allocations have been computed and are included in the current water right accounting. Postings of the daily accounting and projected priorities can be viewed on the waterdistrict1.com website. A breakdown of space and fill values for each individual reservoir account for each diversion are also shown in the STORAGE REPORT on the water district webpage.

Reservoir storage allocations for Jackson and Palisades were reduced resulting from the flood-control storage released out the end of the system past Milner Dam 11/1/06 through 4/16/07. Storage allocations for Palisades and Palisades Winter Water Savings were 78.8% for each spaceholder after deducting estimated evaporation losses. Storage allocations for each Jackson spaceholder were 88.6 % of contracted space after reducing for flood control and deducting estimated evaporation. The remaining reservoir allocations were: Henrys Lake 93.3%; Island Park/Grassy 96.2%; Ririe 70.0%; American Falls 97.4%; and Walcott 97.4% after evaporation.

Evaporation losses for this season were estimated to be 100,000 AF or 2.6% of the total 3,802,743 AF reservoir fill. Last year during the 2006 Irrigation Season, evaporation losses were charged to spaceholders beginning on 5/17/06 (after Milner Spill ceased) through 10/31/06 (last day of irrigation season). The evaporation for that period in 2006 totaled 86,232 AF for the 4,063,752 AF system fill (2.1% evaporation loss). The last day of Milner Spill occurred on 4/16/07 this year, resulting in an additional 30 days of evaporation losses with above average temperatures and below average precipitation. It was estimated evaporation losses for the 2007 season would be approximately 13,800 AF greater than they were during the 2006 season resulting from the additional 30 days of evaporation.

We've had some inquiries from spaceholders whose 2007 storage allocations are actually lower than the amount of carryover they had at the end of the 2006 season. Spaceholders who carried over Palisades storage greater than 78.8% of their Palisades space were reduced to a 78.8% allocation. The Bureau of Reclamation's storage contracts limit the water allocated to the same percentage for all spaceholders in a reservoir whose space was evacuated for flood control and spilled past Milner.

The storage allocations shown in the water-right accounting currently do not include any rental pool purchases, private leases, or storage transfers. Those storage transactions will be added to the water-right accounting in the upcoming weeks.

A comparison of 2001 total natural flow, diversions, and priorities are also included in this report. The 2001 Irrigation Season seems to be the closest comparison to this year out of the previous ten years. However, keep in mind that no two years are identical and priorities will vary depending on varying weather conditions, water supply, and diversions.

The next Committee of Nine meeting is scheduled June 18th at the Water Law Conference in Sun Valley.

WATER DISTRICT 01 - WEEKLY WATER REPORT

20070605

DIVERSION DATA PRIORITY DATES:

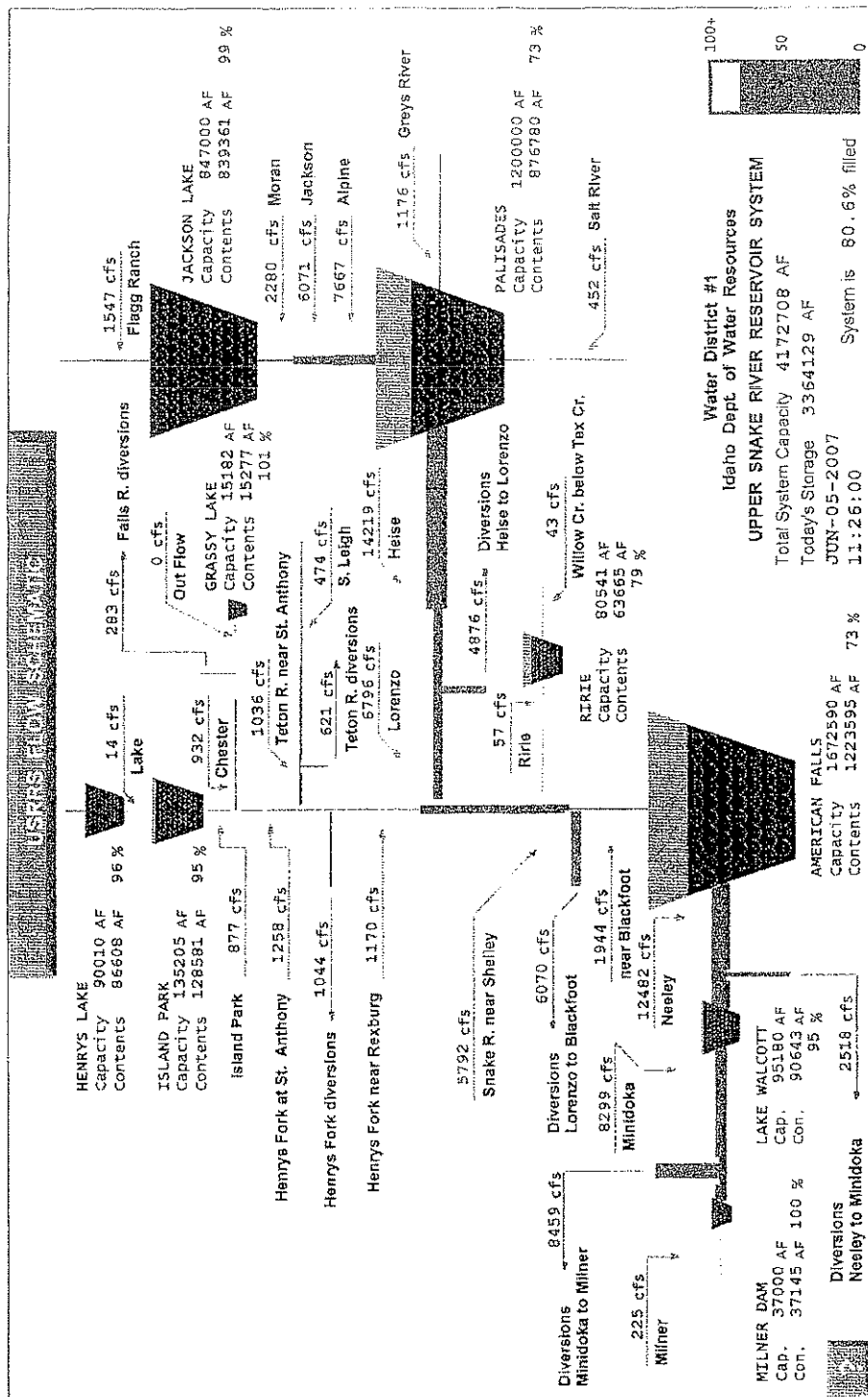
PROJECTED PRIORITY DATES FOR

SNARE ABV LORENZO:	02	06	1895
HENRYS FORK:	02	06	1895
FALLS RIVER:	02	06	1895
TETON RIVER:	02	06	1895
TETON LOWER N. FORK:	02	06	1895
SNARE ABV BUCKFOOT:	02	06	1895
SNARE BLM BUCKFOOT:	10	11	1900

COMMENTS:

DIVERSION DATA

ACTUAL DATE	DIVERSION	CFS DIVN	CFS STOR	AF USED	AF RWNG	ACTUAL DATE	DIVERSION	CFS DIVN	CFS STOR	AF USED	AF RWNG
MAY 31	PALISADES CANAL	55.	6.	172.	1493.	MAY 30	R & J BROWN PUMP	0.	0.	0.	110.
MAY 31	RILEY CANAL	0.	0.	0.	0.	MAY 30	B PARKINSON PUMP	18.	16.	168.	-168.
MAY 31	ANDERSON CANAL	396.	353.	13269.	31121.	MAY 30	CANYON CREEK CANAL	23.	29.	408.	1245.
MAY 31	EAGLE ROCK CAN (1)	774.	0.	0.	0.	MAY 30	V SCHWENDMAN PUMP	3.	3.	24.	-24.
MAY 31	FARMERS FRIEND	346.	11.	5324.	4296.	MAY 30	BRENT RICKS	0.	0.	0.	0.
MAY 31	ENTERPRISE CANAL	206.	206.	4790.	29193.	MAY 30	CANYON CREEK	17.	17.	87.	36.
MAY 31	BUTLER ISLAND	43.	1.	65.	396.	MAY 30	WILFORD CANAL	78.	0.	15.	3610.
MAY 31	ROSS AND RAND	6.	1.	48.	80.	MAY 30	TETON IRRIGATION	61.	0.	0.	1829.
MAY 31	STEELE CANAL	0.	0.	0.	788.	MAY 30	SIDORWAY CANAL (8)	9.	0.	0.	0.
MAY 31	HARRISON CANAL	600.	129.	5483.	35401.	MAY 30	PIONEER CANAL	8.	0.	0.	139.
MAY 31	CHEMNEY CANAL *	0.	0.	0.	0.	MAY 30	STEWART CANAL	9.	1.	47.	356.
MAY 31	BUTLER ISL #2	0.	0.	0.	126.	MAY 30	PINCOCK-BYINGTON	11.	4.	47.	224.
MAY 31	RUDY CANAL	268.	143.	5598.	15152.	MAY 30	TETON ISLAND FEEDER	407.	27.	86.	8933.
MAY 31	LOUNDER SLOUGH CANAL	70.	18.	869.	1339.	MAY 30	SALIM UNION 3	0.	0.	0.	0.
MAY 31	KITE & NORD CANAL	9.	2.	27.	213.	MAY 30	ROKANA CANAL	6.	0.	45.	720.
MAY 31	BURGESS CANAL *	979.	337.	8410.	34841.	MAY 30	ISLAND WARD CANAL	0.	0.	0.	218.
MAY 31	CLARK & EDWARDS *	69.	0.	128.	305.	MAY 30	SAUBREY CANAL	7.	0.	0.	157.
MAY 31	CROFT DITCH	0.	0.	115.	106.	MAY 30	PINCOCK-GARNER	0.	0.	0.	0.
MAY 31	EAST LABELLE CANAL	117.	0.	122.	698.	MAY 30	GARNER-BEDDES	0.	0.	34.	81.
MAY 31	RIGBY CANAL	188.	27.	2122.	3132.	MAY 30	BIGLER SLOUGH	0.	0.	38.	-2.
MAY 31	DITS LATERAL (3)	7.	0.	0.	0.	MAY 30	WOODMANSES-JOHNSON	4.	0.	0.	1204.
MAY 31	DITS CANAL	22.	1.	52.	2194.	MAY 30	CITY OF REXBURG	11.	0.	0.	0.
MAY 31	ISLAND CANAL	192.	0.	0.	3705.	MAY 30	REXBURG IRRIGATION	184.	54.	266.	4084.
MAY 31	W. LABELLE & L.I. *	584.	68.	1925.	3235.	MAY 31	BUTTE & MARKER *	331.	0.	0.	41586.
MAY 31	PARKS & LEWISVILLE	386.	38.	2412.	1924.	MAY 31	BEAR TRAP CANAL	38.	6.	158.	986.
MAY 31	NORTH RIGBY CANAL	32.	2.	79.	922.	MAY 31	OSGOOD CANAL	84.	63.	531.	10214.
MAY 31	WHITE DITCH (4)	12.	0.	0.	0.	MAY 31	CLEMENTS CANAL	2.	2.	37.	612.
MAY 31	BRANWELL CANAL	0.	0.	0.	0.	MAY 31	KENNEDY CANAL	15.	0.	0.	784.



TOTAL NATURAL FLOW, TOTAL DIVERSIONS, AND PRIORITY COMPARISON

PRELIMINARY ACCOUNTING

6/5/2007

MILNER DATE	2001 IRRIGATION YEAR				2007 IRRIGATION YEAR			
	TOTAL NATURAL FLOW CFS	TOTAL DIVERSIONS CFS	AT HEISE PRIORITY YR-MO-DAY	SNAKE RIVER BELOW NEELEY PRIORITY YR-MO-DAY	TOTAL NATURAL FLOW CFS	TOTAL DIVERSIONS CFS	AT HEISE PRIORITY YR-MO-DAY	SNAKE RIVER BELOW NEELEY PRIORITY YR-MO-DAY
19-May	20926	24376	1905 10 07	1905 10 07	24431	26860	1921 03 30	1921 03 30
20-May	26211	24826	1906 08 23	1906 08 23	23137	27219	1915 12 23	1915 12 23
21-May	33416	24882	1939 07 28	1939 07 28	21720	27313	1908 06 16	1908 06 16
22-May	31707	24767	1935 03 14	1935 03 14	20845	27515	1905 10 07	1905 10 07
23-May	27137	24856	1913 05 24	1913 05 24	20900	27384	1905 10 07	1905 10 07
24-May	21934	25257	1913 05 24	1913 05 24	21354	27447	1905 10 07	1905 10 07
25-May	19827	25826	1905 10 07	1905 10 07	21897	27481	1905 10 07	1905 10 07
26-May	18063	25861	1903 03 26	1903 03 26	21355	27330	1905 10 07	1905 10 07
27-May	16362	25835	1900 10 11	1900 10 11	19525	27427	1903 03 26	1903 03 26
28-May	15865	25922	1900 10 11	1900 10 11	18703	27290	1903 03 26	1903 03 26
29-May	16881	26146	1900 10 11	1900 10 11	16711	27030	1900 10 11	1900 10 11
30-May	18246	26242	1903 03 26	1903 03 26	15543	26962	1898 07 09	1900 10 11
31-May	19246	26156	1905 10 07	1905 10 07	14151	27219	1895 02 06	1900 10 11
1-Jun	20203	26031	1905 10 07	1905 10 07	13948	27269	1895 02 06	1900 10 11
2-Jun	20038	25931	1905 10 07	1905 10 07	14232	27532	1895 02 06	1900 10 11
3-Jun	19010	25945	1905 10 07	1905 10 07	15152	27610	1895 11 05	1900 10 11
4-Jun	17244	26044	1903 03 26	1903 03 26	14435 *	27388 *	1895 02 06 *	1900 10 11 *
5-Jun	15762	25813	1900 10 11	1900 10 11	14031 *	27734 *	1895 02 06 *	1900 10 11 *
6-Jun	15377	25911	1897 02 09	1900 10 11	13829 *	27683 *	1895 02 06 *	1900 10 11 *
7-Jun	15807	25926	1898 05 15	1900 10 11	14114 *	28163 *	1895 02 06 *	1900 10 11 *
8-Jun	15801	25702	1900 10 11	1900 10 11	15143 *	28039 *	1895 03 22 *	1900 10 11 *
9-Jun	14839	25477	1895 11 05	1900 10 11				
10-Jun	13856	25633	1895 02 06	1900 10 11				
11-Jun	12666	25411	1894 08 18	1900 10 11				
12-Jun	11924	25326	1892 04 28	1900 10 11				
13-Jun	12247	25166	1892 05 01	1900 10 11				
14-Jun	12210	24822	1892 05 01	1900 10 11				
15-Jun	12462	24933	1892 05 01	1900 10 11				
16-Jun	12195	24960	1894 08 18	1900 10 11				
17-Jun	13804	24842	1895 02 06	1900 10 11				
18-Jun	13998	24237	1895 02 06	1900 10 11				
19-Jun	13859	23823	1895 02 06	1900 10 11				
20-Jun	13143	24116	1895 02 06	1900 10 11				
21-Jun	11948	24356	1894 08 18	1900 10 11				
22-Jun	11250	24714	1892 04 28	1900 10 11				
23-Jun	11041	25178	1891 12 13	1900 10 11				
24-Jun	10280	25546	1890 10 16	1900 10 11				
25-Jun	10172	25951	1890 10 16	1900 10 11				
26-Jun	10098	26244	1890 07 12	1900 10 11				
27-Jun	10591	26844	1890 07 12	1900 10 11				
28-Jun	10679	26763	1890 10 16	1900 10 11				

* Projected Data