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DEPARTMENT OF
WATER RESOURCES

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Attorney for Shoshone-Bannock Tribes

**IN THE DISTRICT COURT FOR 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. 27 - 4020

**AFFIDAVIT OF
IN SUPPORT OF SHOSHONE-BANNOCK
TRIBES OPPOSITION TO BART COLIN'S
MOTION FOR SUMMARY JUDGMENT**

State of Idaho)

) ss:

County of)

I, Matthew C. Carney, being first duly sworn upon oath depose and state as follows:

1. I am employed with Natural Resources Consulting Engineers, Inc. (NRCE), located in Fort Collins, Colorado, and am providing the following statements on behalf of the Shoshone-Bannock Tribes. I am registered as a Professional Engineer in the State of Colorado, license number 36283, 2002.

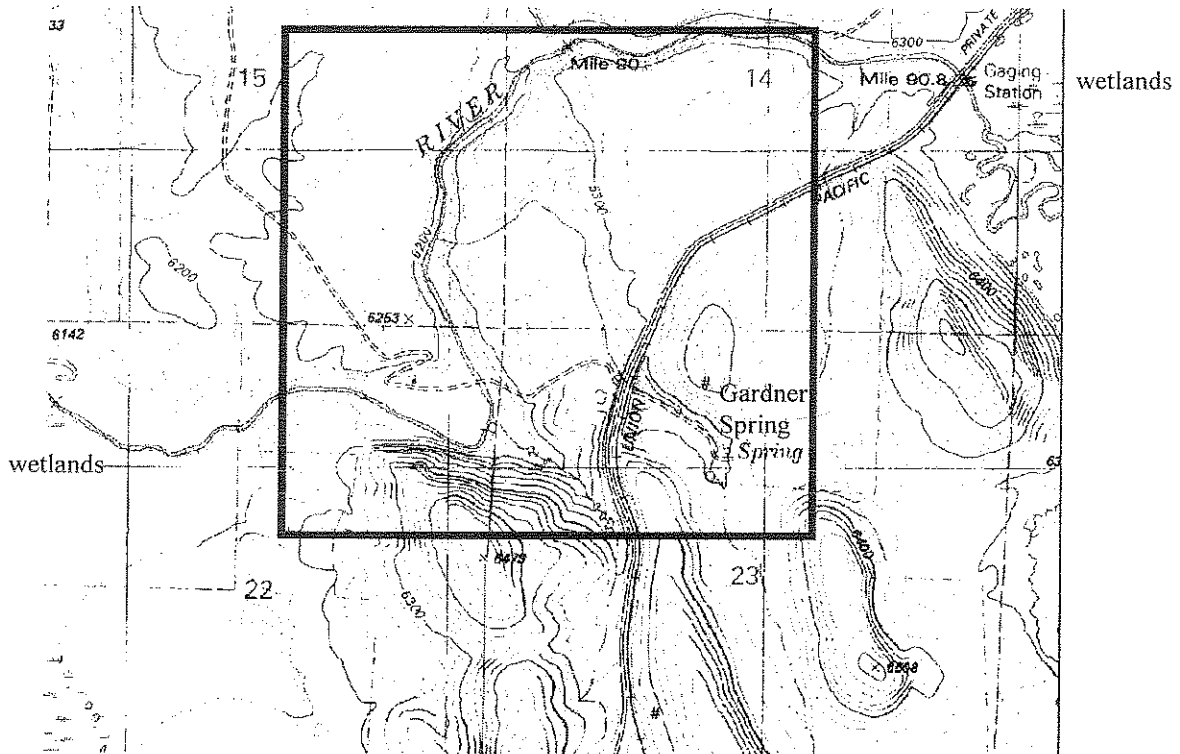
2. This affidavit provides qualitative evidence in favor of a hydrologic connection between Gardner Spring and the Blackfoot River. The evidence supports the Tribes' position that the flows of Gardner Spring are tributary to the Blackfoot River.

3. The U.S. Geological Service (USGS) 7.5 minute quadrangle topographic map China Hat, Idaho (1981) shows the location of Gardner Spring and a perennial stream flowing from the Spring to the Blackfoot River. According to this map, the elevation of Gardner Spring is approximately 6,300 feet, and the elevation of the Blackfoot River at the downstream end of the channel flowing from Gardner Spring is approximately 6,155 feet.

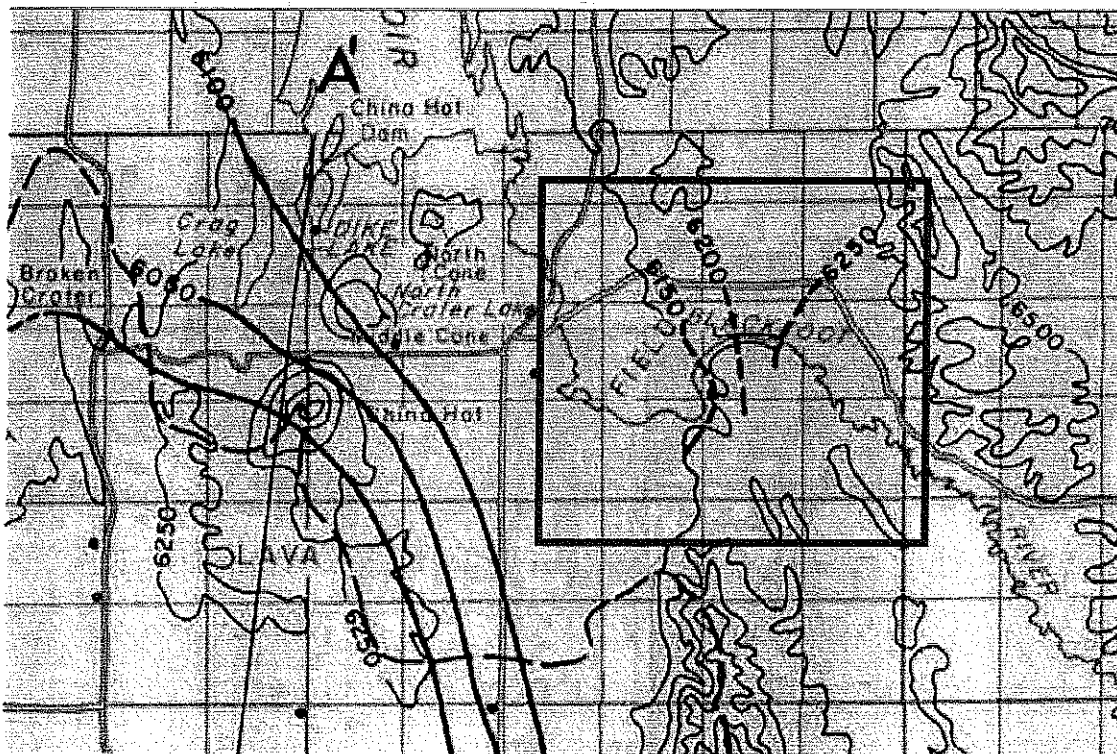
4. The USGS has published a map showing groundwater table elevations in the region where Gardner Spring is located (Dion, 1974). According to this map, the groundwater table along the Blackfoot River in the vicinity of Gardner Spring is at approximately the same elevation as the Blackfoot River channel, which indicates that the groundwater is connected to the river along this portion of the Blackfoot River, and that the groundwater aquifer would be discharging into the Blackfoot River. Therefore, even if the flow from Gardner Spring were to seep into the ground upstream of the Blackfoot River, the water would merely join the rest of the local groundwater in flowing toward the Blackfoot River and contribute to the base flows of the Blackfoot River.

5. The presence of wetlands along the Blackfoot River upstream and downstream of the Gardner Spring discharge area, as indicated on said topographic map, provides further evidence that the water table in this area follows the elevation of the river channel.

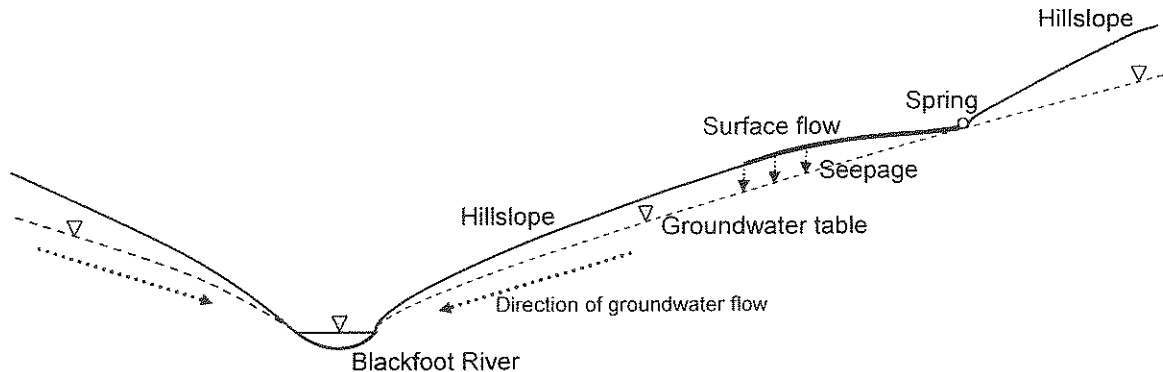
6. A copy of the USGS quadrangle topographic map China Hat is provided below:



7. A copy of the groundwater contour map provided in Dion (1974) is shown below:



7. A diagram illustrating the hydrologic connection between surface water and groundwater is provided below:



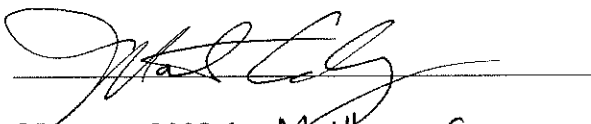
8. References:

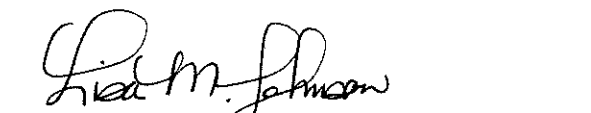
Dion, N.P. *An Estimate of Leakage from Blackfoot Reservoir to Bear River Basin, Southeastern Idaho*, Water Information Bulletin No. 34, Published by the USGS in cooperation with the Idaho Dept. of Water Administration, February 1974.

I HEREBY CERTIFY that the facts set forth above are true and correct to the best of my information and belief.

Dated this 27th day of February, 2008.

Subscribed and sworn to before me this 27th day of February, 2008, by Matthew Carney
Witness and my hand and official seal.


Matthew Carney


Notary Public
Residing at Larimer Co., Colorado
My Commission expires:

My Commission Expires
07/05/2010

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WATER RESOURCES

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 27th day of February, 2008, I caused to be mailed postage prepaid, at true and correct copy of the AFFIDAVIT OF Matt Carney IN SUPPORT SHOSHONE-BANNOCK TRIBES' OPPOSITION TO BARL CONLIN'S MOTION FOR SUMMARY JUDGEMENT to the following:

Original Faxed and Mailed To:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
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Twin Falls, ID 83303-2707
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Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
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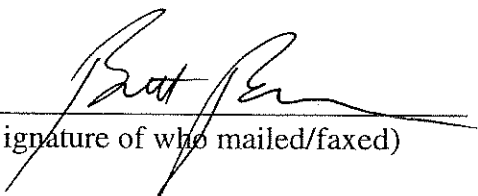
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United States Department of Justice
Environment & Nat'l Resources Div
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Boise, ID 83724

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8569 60th Drive
Elmhurst, NY 11373


(Signature of who mailed/faxed)

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