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DEPARTMENT OF
WATER RESOURCES

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S:\CLIENTS\6018\1\Roylance Direct Testimony.DOC

Attorneys for East Hills Development LLC and Lexington Hills, Inc.

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. 63-00123D, 63-00123F, and 63-00123G

**UPDATED REBUTTAL TESTIMONY OF
DAVID H. ROYLANCE**

UPDATED REBUTTAL TESTIMONY

Q. Do you wish to supplement the rebuttal testimony you filed in this case?

A. Yes.

Q. What are the circumstances that lead this?

A. I currently am out of town assisting my mother. She is not expected to live much longer.

Upon reviewing my rebuttal testimony last night, I recognized a couple of points that should be clarified to avoid confusion.

Q. What are those?

A. First, I stated in my rebuttal testimony that the flow of water into the Subdivision is not measured or regulated. The choice of the word regulated in hindsight may be confusing. The point is that there is no active control by Farmers Union Ditch Company that I am aware of to control the flow of water leaving the Farmers Union Canal into the Subdivision. During the

irrigation season, the headgate is simply set open without active management to control the quantity of water flowing through the headgate.

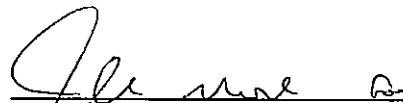
Q. What other points do you wish to clarify?

A. In describing the Subdivision irrigation system. I spoke in terms of a single pond where the irrigation system pumps are located. There are actually two ponds where pumps are located. The second pond is hydraulically connected to the first via a pipeline that I believe is 21 inches in diameter. The water surface level of this pond is the same level as the first pond and the Farmers Union Canal.

Q. Anything else?

A. Yes. In explaining the timing of filing for the ground water permit and the Subdivision entitlements, I stated that at the time we filed for the ground water permit we did not have a preliminary plat or entitlements. Upon reflection—this was 18 years ago—I cannot recall the exact timing of what permits and entitlements we obtained when. The point here is that at the time we were working on the water permit, development planning and timing were not complete. We may have had a preliminary plat at the time, but we did not know at the time how many of the lots would be irrigated by surface water and we did not have a completed design for the irrigation system.

DATED this 19th day of March, 2008.



David H. Roylance

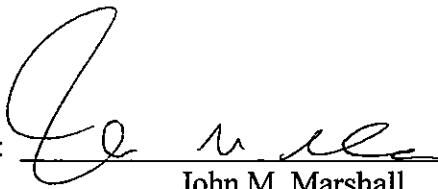
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was mailed on March 19, 2008, with sufficient first-class postage to the following:

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