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**DEPARTMENT OF
WATER RESOURCES**

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and Settlers Irrigation District

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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. 63-3614
(Anderson Ranch Reservoir)

**SECOND AFFIDAVIT OF DYLAN B.
LAWRENCE**

STATE OF IDAHO)
) ss.
County of Ada)

I, DYLAN B. LAWRENCE, being first duly sworn upon oath, depose and say:

1. I am an attorney duly licensed to practice law in the State of Idaho and am providing legal representation to Pioneer Irrigation District and Settlers Irrigation District (the "Districts") in the above-referenced matter. I have knowledge of the files pertinent to this matter and make this affidavit based upon personal knowledge. I make this affidavit in support of the

Districts' Reply Brief in Support of Motion for Summary Judgment, filed contemporaneously herewith.

2. On or about May 5, 2008, the United States filed the Affidavit of David A. Jarvis, in support of its Response to Pioneer and Settlers Irrigation Districts' Motion for Summary Judgment in the Anderson Ranch Reservoir subcase. Attached as Exhibit A to that affidavit are excerpts from a "Revised Allocation and Repayment Report," issued by the Bureau of Reclamation in 1953 (the "Repayment Report"). Attached as Exhibit A hereto is a true and correct copy of the entire Repayment Report that Mr. Jarvis provided to me via e-mail on May 28, 2008.

3. Attached hereto as Exhibit B is a chart which I prepared and which depicts the apparent annual storage fill for each of the three Boise River reservoirs, as those figures are provided in the Boise River watermaster annual reports.

4. Attached hereto as Exhibit C is a chart which I prepared and which depicts the apparent annual total allocated storage space and annual total storage fill for Anderson Ranch Reservoir, as those figures are provided in the Boise River watermaster annual reports.

5. Attached hereto as Exhibit D are true and correct copies of the excerpts from the Boise River watermaster annual reports that I relied upon in preparing Exhibit B and Exhibit C. All of those excerpts were copied directly from the Boise River watermaster annual reports on file at the offices of the Idaho Department of Water Resources ("IDWR") by Andrew Snook, another attorney with my law firm, and Barbara Beck, a paralegal with my law firm, with the exception of the report for 1989, which was available in my law firm's files but unavailable

at IDWR, and the reports for 1990, 2000, and 2007, which were provided electronically by IDWR employee Liz Cresto.

6. On or about February 11, 2008, the United States filed the Amended Affidavit of Mary Mellema in SRBA subcase 63-3618 (Lucky Peak Reservoir). Paragraph 3 of that affidavit indicates that it includes as Exhibit A the “1985 Water Control Manual.” However, our records do not reflect that the document was included with the affidavit when served upon the Districts. Similarly, the SRBA Court has informed our offices that it does not currently possess a copy of that document.

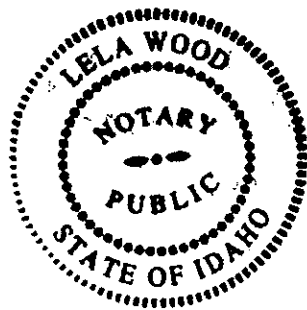
7. On January 23, 2008, the deposition of Mary Mellema was taken in the Lucky Peak Reservoir subcase. During that deposition, Ms. Mellema produced the “Water Control Manual for Boise River Reservoirs,” as issued by the U.S. Army Corps of Engineers in April 1985, and as amended on a number of occasions since that time, which was marked as Exhibit No. 16 to the deposition (the “Water Control Manual”).

8. Attached hereto as Exhibit E is a true and correct copy of the title pages, table of contents, and Chapter 7, “Water Control Plan,” from the Water Control Manual produced by Ms. Mellema.

Further your affiant sayeth naught.

Dylan Lawrence
Dylan B. Lawrence

SUBSCRIBED AND SWORN to before me this 2nd day of June, 2008.



Lela Wood
NOTARY PUBLIC FOR IDAHO
Residing at Boise
My Commission Expires 5-31-2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of June, 2008, I caused a true and correct copy of the foregoing **SECOND AFFIDAVIT OF DYLAN B. LAWRENCE** to be served by the method indicated below, and addressed to the following:

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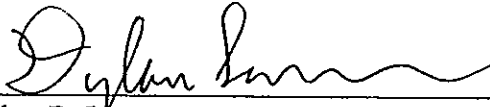
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Dylan B. Lawrence

Attachments may be viewed in the repository
or legal file