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RECEIVED

AUG 25 2008

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. 39576

Subcase Numbers: See Attachment
A

AFFIDAVIT OF
ANTHONY OLENICHAK

STATE OF IDAHO

)

ss:

County of Bonneville

)

Anthony Olenichak, being first duly sworn on oath deposes and says:

1. My name is Anthony Olenichak and I am employed by Water District 01 as the Program Manager. I am also a Deputy Water Master for Water District 01.
2. My work address is 900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718.

3. I was hired as a Senior Water Right Agent at the Eastern Regional office of the Idaho Department of Water Resources ("Department") in 1988.

4. In 1990, I changed positions and began working for Water District 01 as a Hydrologist.

5. In 2006, I was promoted and became the Water District 01 Program Manager. I continue to hold this position.

6. As Program Manager for Water District 01, I oversee the day-to-day operations of the water district. As Program Manager, I am also deputized each year to serve as Deputy Water Master for Water District 01. Water District 01 covers the Snake River and some of its tributaries from where the Snake River enters Idaho at the Wyoming border downstream to Milner Dam.

7. I am personally familiar with the administration of water rights and the delivery of water to water rights from the Snake River within Water District 01, together with all of the records of Water District 01 pertaining thereto.

8. A "high water right" on the Snake River refers to those water rights that have not received water for the full the irrigation season with water being available during high run-off and snow melt early in the irrigation season during the spring or early summer.

9. For water delivery below Blackfoot, Water District 01 cuts back to an October 11, 1900 priority date sometime in June or early July of most years. The October 11, 1900 date is the priority date under water right No. 1-209 of Twin Falls Canal Company for 3,000 cfs and water right no. 1-210 of North Side Canal Company for 400 cfs. A water right junior to that date would not be provided any water past July in most years.

10. The source of supply for "high water rights" on the Snake River consists primarily of snowmelt and spring run-off.

11. When Water District 01 cuts back deliveries to an October 11, 1900 priority date, then water right nos. 01-209 and 01-210 and water rights senior to the October 11, 1900 priority are the only water rights that are receiving natural flow as opposed to storage water, from the Snake River. All other water rights junior to that date would have no natural flow available and be diverting storage water that was previously diverted and stored in reservoirs.

12. Water rights numbers 1-10225, 1-10237, 1-10238, 1-10240, 1-10241 and 1-10482 of A&B Irrigation District and 1-10483 of The Amalgamated Sugar Co. are all beneficial use rights meaning they have not been previously licensed or decreed. If these water rights are decreed by the Snake River Basin Adjudication Court, they will be administered as part of Water District 01. These water rights would be considered "high water rights" for the reasons described above.

13. When Water District 01 delivers water to a surface water user, it is assumed that the amount of water taken is under the earliest priority water right, then to the second earliest water right, then to the third earliest water right and so on.

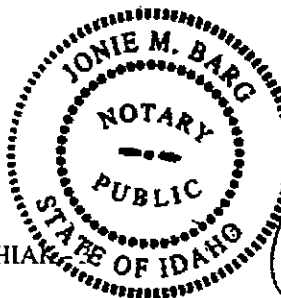
FURTHER, your Affiant saith not.

DATED this 21 day of August, 2008.


Anthony Olenichak

Subscribed and sworn to before me, a Notary Public, this 21 day of August, 2008.

[SEAL]




Notary Public
Residing at Idaho Falls
My commission expires July 24, 2013

AFFIDAVIT OF ANTHONY OLENICHAK

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of Aug, 2008, the above and foregoing document(s), was served by email to those with email addresses and by placing a copy in the U.S. Mail, postage prepaid and addressed to the following:


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ATTACHMENT A
SUBCASE LIST

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1-211A
1-211B
1-212
1-213
1-214A
1-214B
1-219
1-2050
1-2061
1-10034
1-10225
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