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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Ground Water Districts

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 CANDICE M.
MCHUGH IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT**

STATE OF IDAHO)
)
COUNTY OF ADA) ss.

Candice M. McHugh, being fully sworn upon oath, deposes and states as follows:

1. I am one of the attorneys representing ABERDEEN AMERICAN FALLS
GROUND WATER DISTRICT, BINGHAM GROUND WATER DISTRICT, BONNEVILLE-
JEFFERSON GROUND WATER DISTRICT, CAREY VALLEY GROUND WATER

DISTRICT, JEFFERSON-CLARK GROUND WATER DISTRICT, MADISON GROUND WATER DISTRICT, MAGIC VALLEY GROUND WATER DISTRICT, and NORTH SNAKE GROUND WATER DISTRICT¹ in the above-referenced subcases and make the following Affidavit upon my personal knowledge of the facts and circumstances set forth herein.

2. Attached hereto as Exhibit A is a true and correct copy of the license issued by the Idaho Department of Water Resources ("IDWR") on March 31, 1982, for water right number 01-2061.

3. Attached hereto as Exhibit B is a true and correct copy of the license issued by IDWR on July 15, 1950, for water right number 01-2050.

4. Attached hereto as Exhibit C is a true and correct copy of the Responses to Request for Admissions served by the Claimants² in the subcases identified on the Attachment A.

5. Attached hereto as Exhibit D is a true and correct copy from the public record of IDWR the Stipulation entered on or about July 10, 1968 in the case of *Burley Irrigation Dis., v. Eagle* (Fifth Jud. Dist. Twin Falls County, July 10, 1968).

6. Attached hereto as Exhibit E is a true and correct copy from the public record of IDWR the Findings of Fact and Conclusions of Law entered in the case of *Burley Irrigation Dis., v. Eagle* (Fifth Jud. Dist. Twin Falls County, July 10, 1968).

7. Attached hereto as Exhibit F is a true and correct copy from the public record of IDWR of the Supplemental Decree entered in *Burley Irrigation Dis., v. Eagle* (Fifth Jud. Dist.

¹ It is noted that Magic Valley Ground Water District and North Snake Ground Water District are not parties to the subcases involving North Side Canal Company.

² All of the Claimants admitted that the records of Water District 01 represent the best available information pertaining to the historical distribution of the water rights with the exception of the following: a) AFRD#2 denied the admission without explanation; b) Falls Irrigation District reserved the right to object or deny; and, c) the United States Bureau of Reclamation was unable to admit or deny the request.

Twin Falls County, July 10, 1968).

8. Attached hereto as Exhibit G is a true and correct copy from the public record of IDWR the Decree entered in *Woodville Canal Co. v. Clark & Edwards Canal & Irrigation Co.* (U.S. Dist. Idaho, June 25, 1929).

9. Attached hereto as Exhibit H is a true and correct copy from the public record of IDWR the Decree entered in *Milner Low Lift Irr. Dist. v. Crandall* (U.S. Dist. Idaho, April 30, 1931).

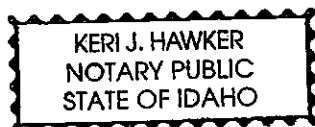
10. Attached hereto as Exhibit I is a true and correct copy from the public record of IDWR the Decree entered in *Twin Falls Canal Co. v. Foster* (Fourth Jud. Dist. June 13, 1913).

DATED this 22nd day of Aug., 2008.

By: Candice M. McHugh
CANDICE M. MCHUGH

SUBSCRIBED AND SWORN to before me by Candice M. McHugh this 22 day of Aug., 2008.

Keri J. Hawker
Notary Public



Commission Expires: Dec. 21, 2012

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:


Candice M. McHugh

Clerk of the SRBA Court 253 Third Avenue North PO Box 2707 Twin Falls, ID 83302-2707	Original	IDWR Repository PO Box 83720 Boise, ID 83720-0098
Natural Resources Division Chief State of Idaho Attorney General's Office PO Box 44449 Boise, ID 83711-4449		John K. Simpson, Esq. Travis L. Thompson, Esq. Barker, Rosholt & Simpson 113 Main Avenue West, Suite 303 Twin Falls, ID 83301-6167 Fax: (208) 735-2444 jar@idahowaters.com tlr@idahowaters.com
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ATTACHMENT A
SUBCASE LIST

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1-5
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1-16
1-17
1-211A
1-211B
1-212
1-213
1-214A
1-214B
1-219
1-2050
1-2061
1-10034
1-10225
1-10237
1-10238
1-10240
1-10241
1-10482
1-10483

Attachments may be viewed in the repository
or legal file