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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Aberdeen-Springfield Canal Company

**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. 01-23B, 01-297, 35-2543, 35-4246

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 diverting from the Snake River within Water District 01, together with all of the records of Water District 01 pertaining thereto.

8. I am also personally familiar with the Amended Director's Report dated March 21, 2008, for Claimant Aberdeen-Springfield Canal Company's Claim Nos. 01-23B and 01-297, both of which are based upon prior decree and divert from the Snake River within Water District 01.

9. The Amended Director's Report recommends a maximum diversion rate of 1,172.1 cubic feet per second (cfs) for Water Right No. 01-23B and a maximum diversion rate of 230 cfs for Water Right No. 01-297. Water District 01 records show that the maximum authorized rates of diversion for both Rights are regularly delivered to Aberdeen-Springfield Canal Company. As an exception, during times when water available under Water Right Nos. 01-23B and 02-297 has been placed into the Water Supply Bank, Aberdeen-Springfield Canal Company has been delivered up to the maximum authorized rate of diversion less the quantity placed into the Water Supply Bank.

10. Based upon the delivery records of Water District 01, it is my opinion that the maximum authorized rates of diversion for Water Right Nos. 01-23B and 01-297, as contained in the Amended Director's Report, accurately reflect actual water deliveries to Aberdeen-Springfield Canal Company except in years when water has been leased into the Water Supply Bank. When water has

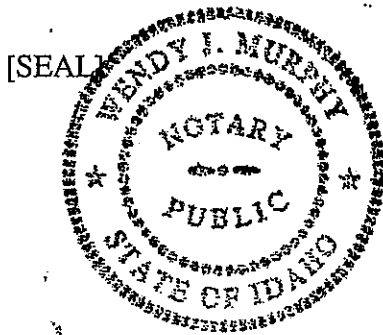
been leased to the Water Supply Bank, the quantity delivered to Aberdeen-Springfield Canal Company has been the maximum authorized rates of diversion for Water Right Nos. 01-23B and 01-297 less the quantity placed into the Water Supply Bank.

FURTHER, your Affiant saith not.

DATED this 24 day of March, 2009.

Anthony Olenichak
Anthony Olenichak

Subscribed and sworn to before me, a Notary Public, this 24th day of March, 2009.



Wendy J. Murphy
Notary Public
Residing at Idaho Falls
My commission expires 11/6/2013