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DEPARTMENT OF
WATER RESOURCES

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District, North Side Canal Company, and
Twin Falls 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	)	Subcase Nos. 01-23B, 01-297, 35-2543 & 35-4246
	)	
Case No. 39576	)	AFFIDAVIT OF PAUL L. ARRINGTON
	)	
_____	)	

I, PAUL L. ARRINGTON, being first duly sworn upon oath, deposes and hereby states
as follows:

1. I reside in Twin Falls County and I am over the age of 18. I am an attorney
representing A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North
Side Canal Company, and Twin Falls Canal Company in this matter.

AFFIDAVIT OF PAUL L. ARRINGTON

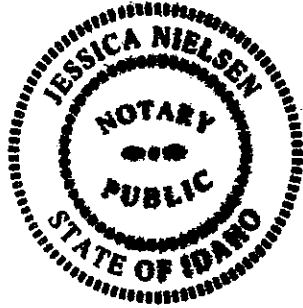
2. Attached hereto, as Exhibit A, is a true and correct of the Director's Recommendation for water right 1-23B, dated May 11, 2006.

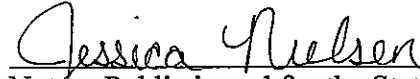
3. Attached hereto, as Exhibit B, is a true and correct of the Director's Amended Recommendation for water right 1-23B, dated March 21, 2008.

FURTHER YOUR AFFIANT SAYETH NAUGHT


Paul L. Arrington

SUBSCRIBED & SWORN to before me this 16th day of April, 2009.




Notary Public in and for the State of Idaho
My Commission Expires: 4/3/12

CERTIFICATE OF SERVICE

I certify that on this 16th day of April, 2009, I served the foregoing **AFFIDAVIT OF PAUL L. ARRINGTON**, including all attachments, to the following persons, via first class mail:

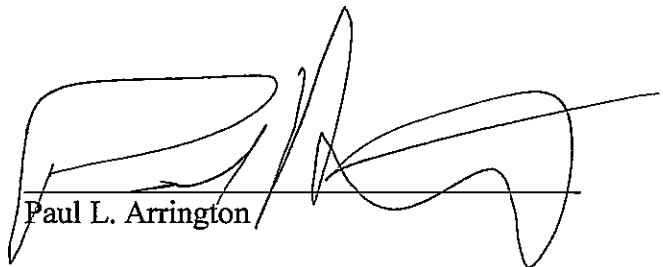
Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
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Boise, Idaho 83711-4449

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724



Paul L. Arrington

Exhibit A

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-23B

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO
PO BOX 857
ABERDEEN ID 83210

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1,172.100 CFS

PRIORITY DATE: 02/06/1895

POINT OF DIVERSION:

T01S R36E S34 SENE Lot 14 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1,172.100 CFS
RECHARGE FOR IRRIGATION	04/01 10/31	389.500 CFS

PLACE OF USE:

61,772.6 ACRES TOTAL

Diversion of this right for the purpose of recharge for irrigation is authorized for a maximum of 17,161.6 acres.

The rights listed below are limited to the irrigation of a combined total of 61,772.6 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246.

Place of use is within the area served by Aberdeen-Springfield Canal Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The administration of this right is further defined and set forth in the Settlement Agreement Regarding Aberdeen-Springfield Canal Company's Basin 01 Surface Water Rights and Consolidated SRBA Subcase No. 35-2315, recorded as instrument number 563578 in the Bingham County Recorder's Office, Blackfoot, Idaho.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Exhibit B

05/11/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-23B

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO
PO BOX 857
ABERDEEN ID 83210

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1,172.100 CFS

Diversion of rights 1-23B and 1-297 for the purpose of recharge for irrigation is authorized for a maximum of 501.8 cfs.

PRIORITY DATE: 02/06/1895

POINT OF

DIVERSION: T01S R36E S34 SENE Lot 14 Within BINGHAM County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1,172.100 CFS
RECHARGE FOR IRRIGATION	04/01 10/31	501.800 CFS

PLACE OF USE:

58942 ACRES TOTAL

Place of use is within the area served by Aberdeen-Springfield Canal Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Diversion of rights 1-23B and 1-297 for the purpose of recharge for irrigation is authorized for a maximum of 21,094 acres.

The rights listed below are limited to the irrigation of a combined total of 58,942 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

If the diversion of water under rights 1-23b and 1-297 for the purpose of direct irrigation is less than 900.3 cfs or the number of acres directly irrigated under water rights 1-23b and 1-297 is less than 37,848 acres, then the mitigation credit as defined and set forth in the Settlement Agreement Regarding Aberdeen-Springfield Canal Company's Basin 01 Surface Water Rights and Consolidated SRBA Subcase No. 35-2315, recorded as instrument number 563578 in the Bingham County Recorder's Office, Blackfoot, Idaho, is proportionately reduced pursuant to the terms of said agreement.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.