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APR 27 2009
DEPARTMENT OF
WATER RESOURCES

Attorneys for A&B Irrigation District, Burley Irrigation District,
Milner Irrigation 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

Case No. 39576

)
) **Subcase Nos. 01-23B, 01-297, 35-**
) **2543, and 35-4246**

)
) **AFFIDAVIT OF TRAVIS L.**
) **THOMPSON IN SUPPORT OF**
) **OBJECTORS' RESPONSE TO**
) **ABERDEEN-SPRINGFIELD**
) **CANAL COMPANY'S MOTION**
) **FOR SUMMARY JUDGMENT**
) **AND REQUEST PURSUANT TO**
) **RULE 56(f) TO ALLOW**
) **DEPOSITIONS TO PROCEED**
) **BEFORE HEARING**
)

STATE OF IDAHO)
) ss.
County of Twin Falls)

TRAVIS L. THOMPSON, being first duly sworn upon oath, deposes and hereby states as
follows:

1. I am an attorney representing A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company, Objectors in the above-referenced subcases. I am over the age of 18 and state the following based upon my own personal knowledge.

2. On April 16, 2009, the Respondent State of Idaho filed a *Brief in Response to Claimant's Motion for Summary Judgment and Objectors' Motion for Summary Judgment* in the above-captioned proceeding. The State included the *Affidavit of Karl J. Dreher Dated April 15, 2009* and the *Affidavit of Michael Holliday Dated April 15, 2009* as exhibits to its brief.

3. On April 16, 2009, the Claimant Aberdeen-Springfield filed its *Answering Brief* in the above-captioned proceeding. ASCC included the *Second Affidavit of Steven T. Howser* in support of its brief.

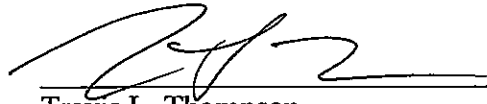
4. The affidavits of Mr. Dreher, Mr. Holliday, and Mr. Howser contain statements in support of ASCC's motion for summary judgment and the recommended "recharge for irrigation" purpose of use for water right 1-23B alleged to have occurred by an accomplished transfer. The hearing on ASCC's motion is presently set for Thursday April 30, 2009. *See Order Setting Summary Judgment Hearing*. The Objectors have been provided no opportunity to discover the basis for, rebut, or respond to the affidavits submitted by Mr. Dreher, Mr. Holliday, and Mr. Howser and the statements contained therein.

5. The undersigned affiant believes that depositions of Mr. Dreher, Mr. Holliday, and Mr. Howser are necessary to allow the Objectors to discover the basis for the statements contained in the affidavits and respond to ASCC's motion for summary judgment. The undersigned affiant believes these depositions are necessary so that the Objectors may present facts essential to justify their opposition to ASCC's motion. The undersigned affiant further

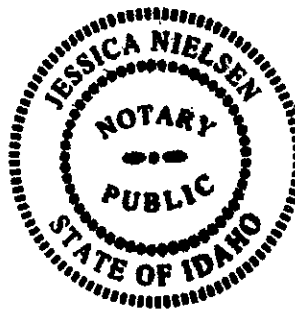
believes the depositions are necessary for the reasons set forth in the *Objectors' Response to Notice of Hearing for Aberdeen-Springfield Canal Company's Motion for Summary Judgment and Request Pursuant to Rule 56(f) to Allow Depositions to Proceed Before Hearing.*

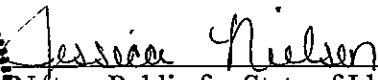
Further you affiant sayeth naught.

DATED this 23rd day of April 2009.


Travis L. Thompson

SUBSCRIBED AND SWORN to before me this 23 day of April 2009.




Notary Public for State of Idaho
Residing at Twin Falls, Idaho.
Commission Expires: 4/3/12

CERTIFICATE OF MAILING

I certify that on April 23rd, 2009, I mailed the original and copies of the foregoing notice to the following persons:

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

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Travis L. Thompson