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Attorneys for Ground Water Districts

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JUN 25 2009

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: 01-00007, 01-
00008, 01-00009, 01-00014

**AFFIDAVIT OF CANDICE M.
MCHUGH IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT ON PRIORITY
DATES**

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, JEFFERSON-CLARK GROUND WATER
DISTRICT, MADISON GROUND WATER DISTRICT, MAGIC VALLEY GROUND
WATER DISTRICT, and NORTH SNAKE GROUND WATER DISTRICT 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 A1 is a true and correct copy of excerpts the A&B Irrigation District Water Management Plan, filed *In the Matter of the Petition for Delivery Call of A & B Irrigation District for the Delivery Call of Ground Water and for the Creation of a Ground Water Management Area*, referencing the history of water diversion in that district.

3. Attached hereto as Exhibit B1 is a true and correct copy of relevant excerpts of Appendix AT from the Surface Water Coalition's September, 2007, Expert Report filed in the SWC Delivery Call: *In the Matter of Distribution of Water to Various Rights Held by or for the Benefits of A & B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company*.

4. Attached hereto as Exhibit C1 is a true and correct copy of the stipulation entered in the case of *Burley Irrigation District v. Eagle* (5th Jud. Dist. July 10, 1968).

5. Attached hereto as Exhibit D1 is a true and correct copy of the Findings of Fact and Conclusions of Law entered in the case of *Burley Irrigation District v. Eagle* (5th Jud. Dist. July 10, 1968).

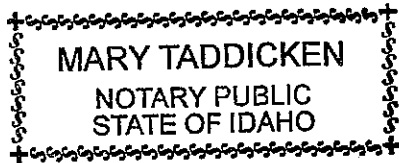
6. Attached hereto as Exhibits E1, F1, G1, H1 which are true and correct copies of the Director's Report and Recommendation on file herein.

6. Attached hereto as Exhibit J1 is a true and correct copy of the Supplemental Decree entered in the case of *Burley Irrigation District v. Eagle* (5th Jud. Dist. July 10, 1968).

DATED this 23rd day of June, 2009.

By: Candice M. McHugh
CANDICE M. McHUGH

SUBSCRIBED AND SWORN to before me by Candice M. McHugh this 23rd day of June,
2009.



Mary Taddicken
Notary Public

Commission Expires: 9-12-13

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of June, 2009, 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 <i>via Fed Ex overnight</i>	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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Attachments may be viewed in the repository
or legal file