

3. As Program Manager and Deputy Watermaster for Water District No. 1, I am personally familiar with the administration of water rights and the delivery of water rights from the Snake River within Water District No. 1, together with all of the records of Water District No. 1 pertaining thereto.

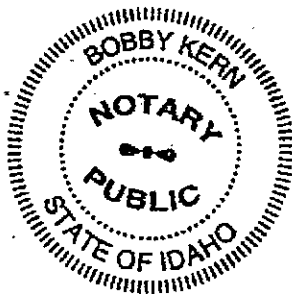
4. The Water District administers water deliveries based upon priorities and water availability.

5. In determining water availability within the main stem Snake River, the Water District has at no time distinguished between "base flows" and the "high flow runoff and spring snowmelt" extant in the Snake River channel for purposes of administering water rights.

6. Further your affiant sayeth naught.

Anthony A. Olenichak
ANTHONY OLENICHAK
Program Manager and Deputy Watermaster
Water District No. 1

Subscribed and sworn (or affirmed) to before me, a notary public in and for the State of Idaho this 28th day of July 2009.



Bobby Kern
Notary Public for Idaho
Residing at Idaho Falls
My Commission expires: 9-12-2014

CERTIFICATE OF SERVICE

I certify that on this 28th day of July 2009, I caused to be served the original and/or copy of this **AFFIDAVIT OF ANTHONY OLENICHAK IN SUPPORT OF THE STATE OF IDAHO'S RESPONSE BRIEF** on each of the following persons by the indicated methods:

1. Original to:

Clerk of the SRBA Court
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

- ☐ U.S. Mail
☐ Hand Delivery
☐ Certified Mail
☒ Overnight Mail
☐ Facsimile: 208-736-2121

2. Copy to:

CITY OF POCATELLO
Represented by:
A. DEAN TRANMER
CITY OF POCATELLO
PO BOX 4169
POCATELLO, ID 83201

- ☒ U.S. Mail
☐ Hand Delivery
☐ Certified Mail
☐ Overnight Mail
☐ Facsimile:

BLACKFOOT IRRIGATION CO
FREMONT-MADISON
IRRIGATION
UNITED CANAL CO
Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250

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☐ Facsimile:

CITY OF POCATELLO
Represented by:
PEMBERTON, MITRA M
WHITE & JANKOWSKI LLP
511 16TH ST STE 500
DENVER, CO 80202

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ABERDEEN AMERICAN FALLS
BINGHAM GROUND WATER
DISTRICT
BONNEVILLE JEFFERSON
GROUND
CAREY VALLEY GROUND
WATER DIST
IGWA INC
JEFFERSON CLARK GROUND
WATER
MADISON GROUND WATER
DISTRICT
MAGIC VALLEY GROUND
WATER DIST
NORTH SNAKE GROUND WATER
DIST

Represented by:

RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391

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INDEPENDENT WATER USERS
OF
JEFFERSON IRRIGATION
DISTRICT
MONTEVIEW CANAL CO
MUD LAKE WATER USERS INC
PRODUCERS IRRIGATION CO

Represented by:

ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405

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A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DIST
BURLEY IRRIGATION DISTRICT
FALLS IRRIGATION DISTRICT

Represented by:

ROGER D LING
615 H ST
PO BOX 396
RUPERT, ID 83350-0396

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TWIN FALLS CANAL COMPANY
NORTHSIDE CANAL CO LTD

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

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CITY OF POCA TELLO

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SARAH A KLAHN
WHITE & JANKOWSKI LLP
KIT TREDGE BUILDING
511 16TH ST STE 500
DENVER, CO 80202

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BROWNSTEIN HYATT ET AL
410 17TH STREET, SUITE 2200
DENVER, CO 80202

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1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

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MINIDOKA IRRIGATION
DISTRICT

Represented by:
W KENT FLETCHER
1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318

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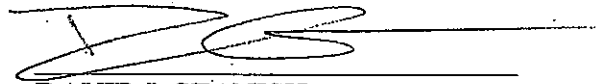
UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL'
RESOURCES
550 WEST FORT STREET, MSC
O33
BOISE, ID 83724

☒ U.S. Mail
☐ Hand Delivery
☐ Certified Mail
☐ Overnight Mail
☐ Facsimile:

IDWR DOCUMENT
DEPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail
- ☐ Overnight Mail
- ☒ Statehouse Mail



DAVID I. STANISH
Deputy Attorney General

Subcase Nos:

01-00004
01-00005
01-00006
01-00007
01-00008
01-00009
01-00010
01-00013
01-00014
01-00016
01-00017
01-00023A
01-00212
01-00213
01-02040
01-02050
01-02060
01-02060A
01-02061
01-04060
01-10034
01-10189
01-10225
01-10237
01-10238
01-10239
01-10240
01-10241
01-10482
01-10483

(Subcase list: 01-04ETAL)
6/25/09