

RECEIVED

JUL 30 2009

DEPARTMENT OF
WATER RESOURCES

JOHN C. CRUDEN

Acting Assistant Attorney General
Environment and Natural Resources Division

DAVID W. GEHLERT

Natural Resources Section
Environment and Natural Resources Division
U.S. Department of Justice
1961 Stout Street, 8th Floor
Denver, Colorado 80294
Phone: (303) 844-1386
Fax: (303) 844-1350

Counsel for the United States

**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 No. 01-10482.
	)	
	)	Case No. 39576
	)	
	)	AFFIDAVIT OF DON
	)	BOWDEN
_____	)	
STATE OF IDAHO	)	
	) ss.	
County of Cassia	)	

I, DON BOWDEN, being duly sworn upon oath, state as follows:

1. I make these statements based on my personal knowledge.
2. I am currently employed by the Bureau of Reclamation (Reclamation) as an Environmental Protection Specialist and am stationed in Reclamation's office in Burley, Idaho.
3. I started working for Reclamation in 1985 as a maintenance worker stationed at Minidoka Dam. From 1985 to 1987, I was in charge of irrigating Walcott Park. In 1987, I became a utility worker and the

irrigation of Walcott Park was transferred to part time workers, whom I assisted until I transferred to the Burley office in 1992.

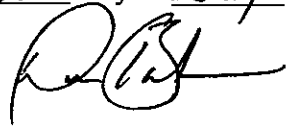
From 1985 until 1992, I either personally irrigated or observed the irrigation of Walcott Park with water pumped from the river.

4. There are three pumps used to irrigate Walcott Park. All draw Snake River natural flow from Walcott Reservoir. One is located directly on the reservoir and the other two are adjacent to the regulating structure for the North Side Canal. The single pump is used to irrigate the upper section of the park, now used for overnight camping, and the other two pumps are used to irrigate the lower section. The lower section is the former "government camp" and is now a day use park.
5. Since 1992 I have had many occasions to be at the Park during the irrigation season and observe that it continues to be irrigated with water pumped from the Snake River. I did so most recently in 2008. During that visit I observed the Park is still irrigated and the pumps are still in operation. To my knowledge, the pumps are the same pumps used for irrigation during the time I was stationed at Minidoka Dam.
6. In 1999 the State Department of Parks became Reclamation's managing partner in operating the Park. Reclamation still owns the land.

Further your affiant sayeth naught.

DATED this 22 Day of July 2009.

Don Bowden



SUBSCRIBED AND SWORN to before me this 22nd Day of July, 2009.

Notary Public for Idaho Yvonne Daniel

Residing at: Burley, Idaho

My Commission Expires: 9-21-2010

