

NOV 16 2009

DEPARTMENT OF
WATER RESOURCES

Travis L. Thompson, ISB #6168
Paul L. Arrington, ISB #7198
Scott A. Magnuson, ISB #7916

BARKER ROSHOLT & SIMPSON LLP

113 Main Ave. West, Ste. 303
P.O. Box 485
Twin Falls, ID 83303-0485
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

Attorneys for Objector, 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.: 47-2479A, 47-4311,**
) **47-17280, 47-17281**
)

) **AFFIDAVIT OF BRIAN**
) **OLMSTEAD**
)
)

I, BRIAN OLMSTEAD, being first duly sworn upon oath, deposes and hereby states as follows:

1. I am the Manager for Twin Falls Canal Company. I am over the age of 18 and state the following based on my personal knowledge.
2. I have reviewed the water right claims for each of the above water rights and I am familiar with the water being diverted under each of these water rights.
3. The point of diversion and places of use for each of these water rights is just below the High Line Canal. The High Line Canal delivers water for Canal Company shareholders, many of which are in the area of the point of diversion and places of use.
4. The area surrounding the point of diversion contains a large number of seep tiles. The Canal Company installed these tiles in the early 1900's as a means of channeling seep water

in the Canal Company area so that it would not bog down farmers' fields. These particular tiles collect water seeping from the High Line Canal and other Canal Company laterals and ditches, as well as from private ditches and fields irrigated with water delivered by the Canal Company.

5. Based on the location of the High Line Canal, laterals and ditches, the seep tiles and the point of diversion, I am confident that water being diverted under these rights includes waste or seep water.

DATED this 10th day of November, 2009

FURTHER YOUR AFFIANT SAYETH NAUGHT

Brian Olmstead
Brian Olmstead

SUBSCRIBED & SWORN to before me this 10 day of November, 2009.



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

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2009, I served true and correct copies

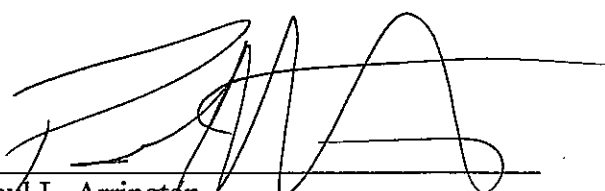
of the foregoing **AFFIDAVIT OF BRIAN OLMSTEAD** via U.S. mail, postage prepaid, and
addressed to the following:

IDWR
P.O. Box 83720
Boise, ID 83720

United States Department of Justice
Environment & Nat'l Resources Div
550 W. Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
P.O. Box 44449
Boise, ID 83711

David Coleman
P.O. Box 525
Twin Falls, ID 83303-0525



Paul L. Arrington