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RECEIVED
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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Raymond C. Barker, Jr.
Charles J. Kritz, Jr. and Diane B. Kritz

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY**

In Re SRBA

Case No. 39576

)
) Subcase No. 2-2318A
)
) **AFFIDAVIT OF NORMAN C.**
) **YOUNG IN OPPOSITION TO**
) **MOTION FOR SUMMARY**
) **JUDGMENT**

STATE OF IDAHO)
)
COUNTY OF ADA) ss.

Norman C. Young, P.E./L.S., being first duly sworn, deposes and states:

1) I am an engineer employed by ERO Resources Corporation ("ERO") at its office located in Boise, Idaho. I have a Bachelor of Science Degree and a Master of Science Degree in Agricultural Engineering from the University of Idaho. I am a licensed professional engineer and land surveyor in the State of Idaho.

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2) I have over 39 years of experience as an engineer working in the areas of surface and ground water resource inventory, evaluation and management, water resources engineering, and various programs involving the administration of water use and water rights. This experience includes:

- a) Two years inventorying surface and ground water resources.
- b) Three years managing a regional office for the Idaho Department of Water Resources ("IDWR") with responsibilities for all IDWR regulatory and permitting programs.
- c) Three years as Chief of IDWR's Engineering Bureau with responsibility for managing the supervision of the Carey Act, well drilling, safety of dams, use of geothermal resources, stream channel protection and other water resource regulation and management programs.
- d) Twenty-five years as Administrator responsible for all IDWR regulatory and permitting programs involving all aspects of water rights and water resource regulation and management.
- e) Seven years as an engineering consultant with ERO assisting clients on water right and water use issues.

3) My experience with IDWR includes extensive involvement in developing and refining the administrative procedures and policies for establishing water rights under the Doctrine of Prior Appropriation applicable in Idaho, for confirming water rights through the state's licensing and adjudication processes, for modifying established water rights by the state's transfer procedures and for administration and management of water rights, including conjunctive management of surface and ground water rights.

4) While employed with IDWR, I had responsibility for developing administrative rules and policies used by IDWR in water administration at this time, including the following:

- a) Water Appropriation Rules, IDAPA 37.03.08.
- b) Well Construction Standard Rules, IDAPA 37.03.09.
- c) Rules for Conjunctive Management of Surface and Ground Water Resources, IDAPA 37.03.11.
- d) Draft rules (not adopted, to date) for water management in Idaho.
- e) Transfer Processing Policies and Procedures, Administrator's Memorandum Transfer Processing No. 24, October 30, 2002.

- 5) I have been retained in this proceeding by Objectors Raymond C. Barker, Charles J. Kritz, Jr. and Diane B. Kritz, Jr., to provide expert analysis and opinion concerning, among other matters, an evaluation of Water Right No. 02-2318A, the water diversion, delivery and distribution systems to the 13 acre parcel currently owned by Mr. Wilkerson, and to evaluate alternative sources of water for irrigation of the Wilkerson property. To that end, I conducted an inspection of the Wilkerson property on June 4, 2010. The site inspection included visual observation and photographing of the distribution ditches located on the Wilkerson property, and measuring the diameter of the pipelines and dimensions of open channel ditches. A Sokkia LP30 laser level and leveling rod were used to determine the relative elevation of the top and bottom of the concrete distribution ditch at several points along the western and southern edges of the field, and the relative elevation of the water surface existing at the time of the inspection in Jump Creek at the southeastern edge of the field.
- 6) From my inspection, I observed a concrete-lined ditch comes in at the northwest corner of the Wilkerson Property. The concrete ditch is about 1 foot deep with a 1-foot bottom width, with 45-degree sides. The ditch retains these dimensions from its heading in the northwest corner around the west and southern edges of the Wilkerson field to its terminus just west of Jump Creek at the southeastern edge of the field. At the point the concrete ditch turns to the east, an earthen ditch extends northeasterly across the field to water a portion of the field to the southeast of a cross-fence dividing the field. An earthen ditch extends along the entire northeastern edge of the field from near the heading of the concrete ditch to the southeastern edge at Jump Creek. Summary of ditch level observations:

Point Number	Approx. Distance from head of ditch	Ditch Top elev. reading (feet)	Ditch Bottom elev. reading (feet)	Relative elevation of ditch bottom (feet)	Drop in elev. from head (feet)	Depth of Ditch (feet)	Approx. slope of ditch by reach	Approx slope of ditch from head
1	0	3.78	4.84	100 ft (assumed)	0	1.06	---	---
2	200	3.96	5.01	99.83	0.17	1.05	0.0009	0.0009
3	400	4.0	5.09	99.75	0.25	1.09	0.0004	0.0006
4	650	4.22	5.27	99.57	0.43	1.05	0.0007	0.0007
5	800	4.63	5.77	99.07	0.93	1.14	0.001	0.001
6	1200	5.21	6.18	98.66	1.34	0.97	0.001	0.001

10	1350	5.50	6.51	98.33	1.67	1.01	0.002	0.001
10a*	1350	---	4.55	98.33	---	---	---	---
11	1500	4.62	5.68	97.20	2.80	1.06	0.007	0.002
12	2050	9.28	10.3	92.58	7.42	1.02	0.008	0.004

* The bottom of the ditch at Point 10 was used as a "turning point" for relocation of the laser level.

The relative elevation of the field along the north edge was measured to be:

1. At a point across the abandoned railroad route from the road along the eastern edge of the recreational vehicle park: **97.9 feet**
2. At the cross fence: **96.9 feet**
3. At the second tree southeast of the cross fence: **95.2 feet**
4. At the southeast end of the Wilkerson Property: **92.6 feet**

The relative elevation of the water surface in Jump Creek along the northeastern edge of the property: **83.4 feet.**

7) The elevation differences determined during the site inspection are consistent with the elevation change information that can be calculated for the area using the surface elevation contour lines shown on the USGS "Homedale Quadrangle, Idaho" 7.5 minute series topographic map. The 2220-foot contour is shown along the northeastern edge of the field and crossing Jump Creek about ¼ mile upstream. The entirety of the Wilkerson Property is located between the 2240-foot contour and the 2220-foot contour. Interpolation based upon the location of the Wilkerson property relative to the contour lines indicates a maximum elevation of about 2230 feet; i.e., an elevation change of about 10 feet across the Wilkerson field. The elevation of the water surface in Snake River about 1 mile above the mouth of Jump Creek is shown as 2210 feet and 2205 feet about 2 miles downstream. The 2220-foot contour crosses Jump Creek about ½ mile upstream from its confluence with Snake River and ¼ mile upstream from the Wilkerson Property. Through interpolation, the elevation of Jump Creek near the northeastern edge of the Wilkerson Property I estimate as about 2210 to 2215 feet; i.e., a drop of 5 to 10 feet from the level of the northeastern corner of Wilkerson's field.

8) I have also reviewed the Affidavit of William R. Wilkerson, Sr., dated May 10, 2010, and based on my physical inspection and professional knowledge and experience, have the following comments (the fact that I do not address all paragraphs of his affidavit does not mean that I necessarily agree with the ones not discussed):

a. Paragraph 13. Mr. Wilkerson states that the northwest corner of the property is over 40 feet higher than the portion of Jump Creek on the property. However, my leveling measurements found that the elevation difference is less than 20 feet.

b. Paragraph 22. Mr. Wilkerson's description of the irrigation facilities on the property omits the short earthen delivery ditch along fence through middle of field.

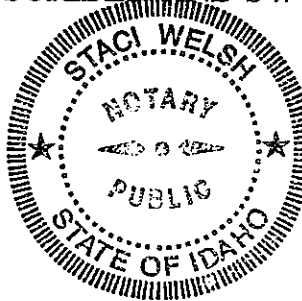
c. Paragraph 23. Mr. Wilkerson assumes a "typical grade of one foot per 100 feet" for a delivery ditch. However, based on my professional opinion and experience, a 1 percent grade is steep for a delivery ditch. My measurements found that the concrete ditch had an overall grade of about 4/10's of 1 percent. The upper end of his concrete ditch is much flatter (less than 1/10 of 1 percent). Using the Manning formula, I estimated that the ditch easily carries the 0.27 cfs claimed by Wilkerson, even in the flatter upper reach. Thus, the head required to "pump" water from Jump Creek to the head of the ditch in the NW corner of the field is about 10 feet elevation difference plus the conveyance loss, which would be minimized by a properly-sized pipeline. The suggestion that using the Jump Creek for a diversion point would require that water would be delivered in a "60 feet deep" open ditch to the northwest corner is not well-founded, nor typical in engineering water delivery systems. If the ditch were excavated from Jump Creek to the NW corner, the water would still have to be pumped up to the field level. Whether the point of diversion is assumed from the Snake River point of diversion on Objectors' property or Jump Creek where it borders the Wilkerson property, a pump is required to get water to a delivery ditch on the Wilkerson property.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 23RD day of June, 2010.

Norman C Young
Norman C. Young

SUBSCRIBED AND SWORN to before me this 23rd day of June, 2010.



Staci Welsh
Notary Public in and for the State of Idaho
Residing at: Meridian, Idaho
My Commission Expires: 2/3/2011

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of June, 2010, I caused to be served copies of the foregoing **Affidavit of Norm Young in Opposition to Motion for Summary Judgment** by the method(s) indicated below:

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