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DEPARTMENT OF
WATER RESOURCES

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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: 01-1J, <i>et al.</i> ; 01-4046, <i>et al.</i> ;
	)	22-48, <i>et al.</i> ; 22-163A, <i>et al.</i> ; 35-
	)	2315; 35-2543; 35-4246; 35-2670B;
Case 39576	)	35-2670C & 35-2670D
	)	
	)	AFFIDAVIT OF JERRY R. RIGBY
	)	
	)	

STATE OF IDAHO)
ss
County of Madison)

Jerry R. Rigby, being first duly sworn, deposes and says:

1. I am the attorney for the Claimants.

2. I have been involved with both the individual licensed Claimants as well as the
irrigation entity Claimants since several years prior to 2006 when the objections were required to
be filed for the individual director's reports.

3. As far back as when Director Karl Dreher was the first made director of the Idaho
Department of Water Resources, we approached the department and requested a means whereby
the recharge of the significant amount of water sunk within the various upper valley irrigation
entities could be credited toward water from wells which were drilled by individual shareholders

or electors as a result of the substantial losses beyond incidental recharge from the irrigation entities' carrying systems and the authorized lands of each irrigation entity.

4. Pursuant to said initial meetings, a group of stakeholders was formed which included the Department, SWC and the Claimants in order to see if an acceptable methodology could be worked out among the stakeholders. One of the initial patterns followed the format set forth in the Aberdeen Springfield Agreement with the Department, which was not objected to by SWC at the time. The meetings were moderated by David Tuthill.

5. The meetings continued on through the replacement of Director Dreyer into the administration of Director Tuthill. Partially due to Director's Tuthill's new role as Director, the parties continued to meet on numerous occasions without a moderator.

6. Finally, the director's report and recommendations were filed in the various basins included within the Claimants rights. Because negotiations were continuing and seemed promising, and in order to preserve their individual position and right to amend upon any settlement, the Claimants each filed their objections to their individual water rights and the rights of any right which would be associated with the recovered water right to which each Claimant believed it was entitled.

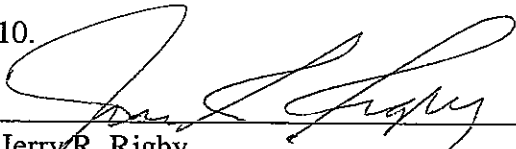
7. From the time Claimants filed their individual objections through the continued and several further mediation and negotiations, as well as status conferences with the Court, I represented to all that we fully realized once a settlement was made, we would need to file amended claims in a manner consistent with a recommendation and partial decree which all parties would have hopefully agreed upon. Because of the number of claims involved, it did not make sense to file amended claims at that time only to have to file new amended claims later on

once a settlement occurred which may be a different twist requiring another amendment.

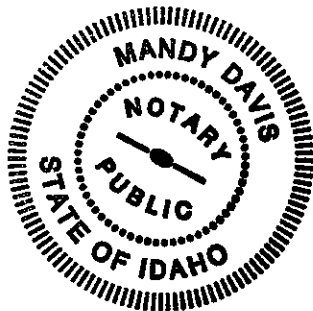
8. Following the filing of the objections, mediation continued between the parties including a court order mediation with the help of Special Master Booth. All parties continued to participate and SWC never once informed me or the Claimants that negotiations were off until within the last year. During this period of time, Claimants apparently reversed their position as to the Aberdeen Springfield methodology and objected to those amended claims as well.

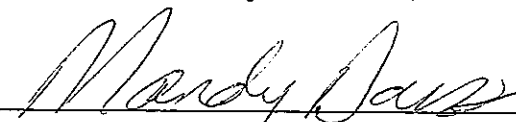
9. Claimants have supplied SWC significant amounts of data and expert analysis of their proposed claims throughout the mediation/negotiations. However, none of it was supplied in a formal sense in that the parties have always treated their negotiations on an informal basis. Nevertheless, SWC clearly understands and has no reason to claim prejudice to any of the claims which are now before this Court in that they have seen the data (on numerous occasions) and fully appreciate Claimants' positions.

DATED This 12th day of October, 2010.


Jerry R. Rigby

SUBSCRIBED AND SWORN To before me this 12th day of October, 2010.




Notary Public for Idaho
Residing at: St. Anthony, Idaho
Commission Expires: 6/24/2011