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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Petitioner Wood River Valley Irrigation District #45

**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: 37-11951
	)	
Case No. 39576	)	AFFIDAVIT OF MICHAEL A.
	)	HARRIS
_____	)	

I, MICHAEL A. HARRIS, being first duly sworn upon oath, deposes and hereby states as follows:

1. I reside in Blaine County and I am over the age of 18 and I state the following facts based on my personal knowledge.
2. I am the Manager of the Wood River Valley Irrigation District #45 ("District 45"). My responsibilities include water measurements, maintenance and headgate delivery. As such, I have firsthand knowledge of the following facts.
3. The District 45 canal has tremendous water loss. There is significant conveyance loss as water rights are delivered through the canal. Historically, District 45 has diverted water through the District 45 canal to account for this conveyance loss. These water rights are very

important to District 45 and make it possible to deliver the water rights through the District 45 canal. District 45 still uses this water right for conveyance loss.

4. When District 45's conveyance loss water rights were recommended by the Director of the Idaho Department of Water Resources ("IDWR"), District 45 hired Brockway Engineers to review the recommendations and filed objections on those water rights that were disallowed. The district filed objections to water rights 37-11953, 37-11954 and 37-22064 – all conveyance loss claims that were recommended to be disallowed by the Director.

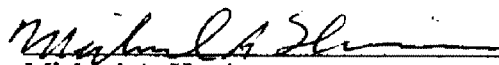
5. For some reason, we inadvertently failed to file an objection to water right 37-11951.

6. District 45 directed its attorneys to research the historical delivery and use of water rights 37-11953, 37-11954 and 37-22064.

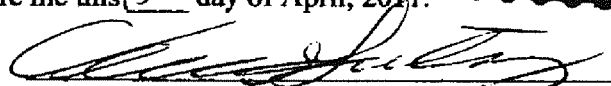
7. After researching the matter, District 45's attorneys informed District 45 that they had discovered water right 37-11951 and that no objection had been filed – even though the Director recommended that the right be disallowed.

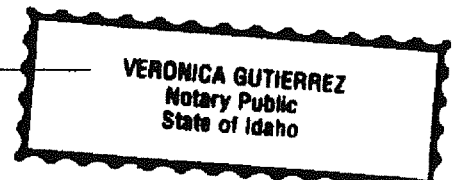
8. As soon as District 45 learned of this oversight, the Board of Directors directed its attorneys to seek leave to file a late objection.

FURTHER YOUR AFFIANT SAYETH NAUGHT


Michael A. Harris

SUBSCRIBED & SWORN to before me this 3rd day of April, 2011.


Notary Public in and for the State of Idaho
My Commission Expires: 8/21/2012



CERTIFICATE OF SERVICE

I certify that on this ____ day of April, 2011, I served the foregoing **AFFIDAVIT OF MICHAEL A. HARRIS**, including all attachments, to the following persons, via first class mail:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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
PO Box 44449
Boise, ID 83711-4449

Paul L. Arrington