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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Milner Irrigation District

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

	)	
	)	Subcase Nos.: 1-17
In Re SRBA	)	
	)	AFFIDAVIT OF WALTER R.
	)	MULLINS
Case No. 39576	)	
	)	
	)	
	)	
	)	
_____	)	

State of IDAHO	)
	) ss
County of Twin Falls	)

Walter R. Mullins, being first duly sworn upon oath, deposes and states as follows:

1. I am over the age of 18 and make the following affidavit upon my personal knowledge of the facts and circumstances set forth herein below. I am providing this affidavit in support of Milner Irrigation District's *Motion to File Late Objection*.

2. My address is 5290 East 3610 North, Murtaugh, Idaho 83344.

3. I am the general manager of the Milner Irrigation District. I have held this position since December 2002. Prior to my employment with Milner I worked for the Oakley Canal Company and the A&B Irrigation District.

4. Based upon my review of District records and reading the Bradshaw case (*Bradshaw v. Milner Low Lift Irrigation Dist.*, 85 Idaho 528 (1963)), it is my understanding that the “old” lands were established in the District between 1921 and the late 1940s. “New” lands were annexed into the District in 1952, and Palisades storage was acquired for irrigation of these lands. “Old” lands have the first right to use any natural flow and the American Falls storage. However, the District has been operated to deliver any available water, either natural flow or storage, to any lands within the project. Although certain landowners requested use of all American Falls storage on “old” lands only in 2005, we received additional precipitation and water rentals that spring to ensure an equal allocation for all district landowners.

6. Based upon my review of District records and my experience as manager, the District has not limited the use of its natural flow water rights to only certain lands within the project. It does not appear the District ever limited the use of water right 1-17 on fewer acres than the District’s total assessed acreage. We divert and deliver water pursuant to natural flow rights based upon the regulation by the Water District 01 Watermaster and demands from the landowners. If there is insufficient natural flow, we request and deliver storage water from our storage held in American Falls and Palisades Reservoirs. The Water District 01 Watermaster had not limited the lands where our natural flow water rights can be delivered within the project.

7. I recall meeting with IDWR in 2005 to review the preliminary recommendations for water rights 1-9, 1-17, and 1-2050. We did not agree with IDWR’s draft total acreage

evaluation. I provided input on the project boundary, consistent with our water right claims, and identified lands where the District delivers water for irrigation use.

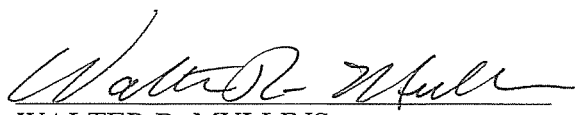
8. IDWR corrected the irrigated acreage recommendation to 13,335 acres when the final recommendations for water rights 1-9, 1-17, and 1-2050 were reported to the SRBA Court in 2006.

9. Milner filed objections to the recommendations for water rights 1-9 and 1-2050. I remember the objection to the priority date for water right 1-2050 since it was different than the licensed date. It was my understanding that the total recommended irrigated acreage was 13,335 acres for all water rights. I do not recall any specific discussions with the Board, District personnel, or counsel regarding the limiting acreage remark for water right 1-17.

10. Based upon my understanding today, the recommendation for water right 1-17 limits Milner's irrigation to 8,114.4 acres in a single irrigation season through a limiting remark. Although Milner may receive natural flow only, in priority, or use natural flow and storage, it is my understanding water right 1-17 has not been limited for use on fewer acres than what the District assesses every year.

11. Since the total acreage of 13,335 was corrected on all of the final recommendations for Milner's water rights, it was my belief that all errors that we identified in the preliminary recommendations had been corrected. If I had a complete understanding of the limiting remark for water right 1-17 and how it might affect the District's water delivery operations, I would have recommended that Milner file a timely objection with the SRBA Court.

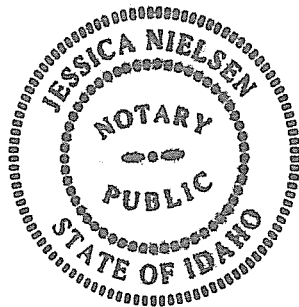
DATED this 15th day of November, 2011.


WALTER R. MULLINS

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 15 day of November, 2011, before me, a Notary Public for said County and State, personally appeared WALTER S. MULLINS, known or identified to me the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Jessica Nielsen
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 4/3/12