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DISTRICT COURT - SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho  
JUN 22 2012  
Clerk  
Deputy Clerk

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DISTRICT COURT - SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho  
JUN - 8 2012  
By Lodged Clerk  
Deputy Clerk

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. 01-2064, 01-2064A-G, and L,  
) 01-10042, 01-10042A and B, 01-10053A,  
) and 01-10190 (American Falls Subcases), and  
) 01-2068, 01-6068D-F, M, and Y, 01-10043,  
) 01-10043A and E, 01-10191, and 01-10389  
) (Palisades Subcases)

) **AFFIDAVIT OF REX BARRIE, BASIN 63**  
) **WATERMASTER**  
)  
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)

STATE OF IDAHO )  
) ss.  
County of Ada )

**REX BARRIE**, being first duly sworn upon oath, deposes and states as follows:

**AFFIDAVIT OF REX BARRIE, BASIN 63 WATERMASTER**

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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 Nos. 01-2064, 01-2064A-G, and L,    |
|                | ) | 01-10042, 01-10042A and B, 01-10053A,       |
|                | ) | and 01-10190 (American Falls Subcases), and |
|                | ) | 01-2068, 01-6068D-F, M, and Y, 01-10043,    |
|                | ) | 01-10043A and E, 01-10191, and 01-10389     |
| Case No. 39576 | ) | (Palisades Subcases)                        |
|                | ) |                                             |
|                | ) | <b>AFFIDAVIT OF REX BARRIE, BASIN 63</b>    |
|                | ) | <b>WATERMASTER</b>                          |
|                | ) |                                             |
|                | ) |                                             |
|                | ) |                                             |
|                | ) |                                             |

STATE OF IDAHO    )  
                           ) ss.  
 County of Ada        )

**REX BARRIE**, being first duly sworn upon oath, deposes and states as follows:

appointed by the Director, Idaho Department of Water Resources to administer Basin 63 water rights. I have been the Basin 63 Watermaster since 2008. I am responsible for administering the water rights on the Boise River. One of my responsibilities includes coordinating with the Bureau of Reclamation and Army Corps of Engineers on reservoir operation on the Boise River including making determinations concerning flood control releases and reservoir fill and release to fulfill the contractual obligations to irrigation spaceholders in the reservoirs.

2. The determinations concerning when a reservoir is filled, how the reservoir is refilled, and the impact that flood control releases have upon storage space in the system is governed by the Water Control Manual for Boise River Reservoirs.

3. In the manual detailed procedures are outlined that dictate when waters are released for flood control, the timing of those releases, the volume of the releases, and how and when refill of the system occurs.

4. At Section 7-2 the Boise River Operation Manual sets forth the general policy concerning flood control releases and refill procedures. It states:

The amount of water stored in the system and precisely when it is stored is dependent on water rights, the amount of water available as runoff, the timing of the runoff, and the required flood control regulation. Flood control regulation during this period ( 1 November through the spring high water period) endeavors to maintain adequate flood control spaces within the reservoirs and yet refill the reservoirs without exceeding 6,500 cfs as measured at the Glenwood Bridge gaging station. In low runoff years, flood control regulation during the spring snowmelt period is normally limited or not necessary, and water conservation and reservoir refill are the primary objectives. Runoff years near normal require delicate balances between flood control and refill regulation, with runoff timing and volume forecasts as the key factors for the balances. In large runoff years, maintaining adequate flood control space within the reservoirs and passing excess water through the system without unduly jeopardizing system refill, are the primary objectives.

5. Water entering the reservoir system is counted toward the paper fill of the reservoir.

However, water then passed through the system in order to maintain adequate flood control is not

deducted from the paper fill of the reservoir, even though it is no longer present to fulfill contract obligations for irrigation spaceholders. New water entering the reservoir to backfill the space evacuated for flood control as it pertains to the irrigation storage accounts in the Basin 63 reservoirs is used to provide water to fulfill the irrigation rights. Refill after flood control regulation is a "primary objective" of the post-flood control season in Basin 63. No storage account is delivered more than the full amount of the water right during the irrigation season. When refill enters the system it is considered to be under the same priority as the underlying storage priority date.

6. The Army Corp of Engineers and Bureau of Reclamation notifies me when the flood control regulation period has ended. After that time water released from the reservoir system begins to be charged to the irrigation storage accounts. Prior to that time, water entering the reservoir to refill the space evacuated by flood control releases is not accounted as new or excess water because it the reservoir is not physically full after the flood control releases, even though it had previously paper filled.

7. To my knowledge this has been the administrative policy concerning refill of Boise River reservoirs as long as the system has been administered.

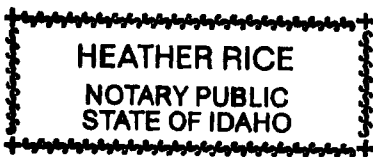
8. To my knowledge none of the partially decreed and licensed Basin 63 storage water rights administered for irrigation contract spaceholders contain a remark that either explicitly provides that refill may occur, or expressly limiting refill.

9. At no time since I have administered the water rights in Basin 63 have I been instructed that refill may not occur unless the licensed and partially decreed storage water rights contain a remark expressly providing for such a practice.

DATED THIS 8 day of June, 2012.

Rex B. Barrie  
Rex Barrie, Basin 63 Watermaster

SUBSCRIBED AND SWORN to before me this 8<sup>th</sup> day of June, 2012.



Heather Rice  
NOTARY PUBLIC FOR IDAHO  
Residence: Boise  
My Commission Expires: 12/16/2015

## CERTIFICATE OF SERVICE

I hereby certify that on the 8<sup>th</sup> day of June, 2012, I served a true and correct copy of the foregoing AFFIDAVIT OF REX BARRIE, BASIN 63 WATERMASTER on the person(s) listed below, by U.S. Mail, and electronic mail if available:

Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

U.S. Bureau of Reclamation  
Regional Director, PN Region  
1150 N. Curtis Rd., Ste. 100  
Boise, ID 83706-1234

Jerry R. Rigby  
P.O. Box 250  
Rexburg, ID 83440-0250

U.S. Department of Justice  
Division of Env. & Natural Resources  
550 W. Fort Street, MSC 033  
Boise, ID 83706-1234

Randall C. Budge  
Candice M. McHugh  
P.O. Box 1391  
Pocatello, ID 83201

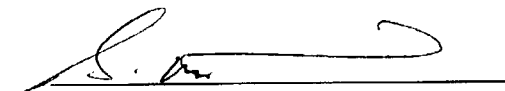
Robert L. Harris  
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Idaho Falls, ID 83405

Idaho Attorney General's Office  
Natural Resources Division  
P.O. Box 44449  
Boise, ID 83711-4449

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Shelley M. Davis