

ORIGINAL

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

MICHAEL C. ORR (ISB # 6720)
Deputy Attorney General
Natural Resources Division

700 West State Street – 2nd Floor
P.O. Box 44449
Boise, ID 83711-4449
(208) 334-2400

Attorneys for the State of Idaho

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 19 2012	
By _____	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

)
) Subcase Nos. See Attachment A
)
)

) **AFFIDAVIT OF REX R. BARRIE,**
) **WATERMASTER, WATER**
) **DISTRICT NO. 63**
)

STATE OF IDAHO)
) ss.
COUNTY OF BLAINE)

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

1. I am over the age of eighteen and the facts stated below are based on my personal knowledge.
2. I am employed by Water District No. 63. I have been appointed by the Director, Idaho Department of Water Resources as Watermaster for Water District No. 63, which includes Basin 63 and the Boise River. I have been the Watermaster for Water District No. 63 since 2008.
3. As Watermaster for Water District No. 63, I am responsible for administering the water rights on the Boise River system, including the water rights for the federal reservoirs at Anderson Ranch, Arrowrock, and Lucky Peak.
4. As I understand and administer the water rights for the federal reservoirs in Water District No. 63, those water rights are limited to the annual volume decreed by the SRBA District Court, and they are no longer in priority after the quantities of water diverted into the reservoirs under their water rights reaches the annual volumes decreed by the Court. Additional water may be and often is stored in the reservoirs after the annual volume has been reached, but only if all other water rights have also been filled.
5. I have reviewed the *State Of Idaho's Motion For Partial Summary Judgment* which was filed on January 25, 2012, in the SRBA proceedings for the water rights for American Falls Reservoir (subcase no. 01-2068) and Palisades Reservoir (subcase no. 01-2068). The "refill" remark that the State of Idaho proposed in that motion is consistent with how the water rights for the federal reservoirs in Water District No. 63 have been administered during my tenure as Watermaster.

///

///

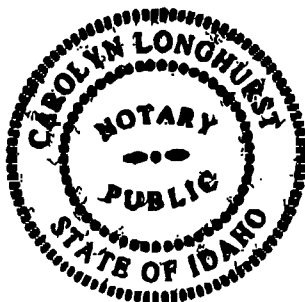
///

Further your affiant sayeth naught.

DATED this 18 day of June 2012.


REX R. BARRIE

SUBSCRIBED AND SWORN to before me this 18th day of June 2012.




Notary Public for Idaho
Residing at: Blaine County
My commission expires: 9/1/17

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19TH day of June 2012, I caused the foregoing AFFIDAVIT OF REX R. BARRIE, WATERMASTER, WATER DISTRICT NO. 63 to be filed with the Court and true and correct copies served on the following parties by the methods indicated:

1. Original to:

Clerk Of The District Court Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☐ U.S. Mail, postage prepaid ☒ Hand Delivery ☐ Federal Express ☐ Facsimile: (208) 736-2121 Phone: (208) 736-3011
---	---

2. Copies to:

Special Master Terrence A. Dolan Case Administrator Diana Delaney Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☐ U.S. Mail, postage prepaid ☒ Hand Delivery ☐ Federal Express ☐ Facsimile: (208) 736-2121 ☒ E-Mail: tdolan@id.courts.net ☒ E-Mail: ddelaney@id.courts.net Phone: (208) 736-3011
James C. Tucker Idaho Power Co 1221 W. Idaho St. P.O. Box 70 Boise, ID 83707	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: JTucker@idahopower.com Phone: 388-2112
Adam DeVoe Brownstein, Hyatt, Farber, Schreck 410 17th Street, Suite 2200 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: adevoe@bhfs.com

C. Thomas Arkoosh 301 Main St P.O. Box 32 Gooding, ID 83330	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: tarkoosh@capitolawgroup.com Phone: (208) 934-8872
Roger D Ling 615 H St P.O. Box 396 Rupert, ID 83350-0396	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: ☒ E-Mail: rdl@idlawfirm.com Phone: (208) 436-4717
Candice McHugh Racine, Olson, Nye, Budge & Bailey, Chtd. 101 Capitol Blvd., Ste. 300 Boise, ID 83702	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: cmm@racinelaw.net Phone: 395-0011
Randall C. Budge 221 E. Center, Ste. A2 P.O. Box 1391 Pocatello, ID 83204-1391	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: rcb@racinelaw.net Phone: (208) 232-6101
Travis L Thompson 113 Main Ave W., Ste 303 P.O. Box 485 Twin Falls, ID 83303-0485	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: tlt@idahowaters.com Phone: (208) 733-0700
Paul L. Arrington 113 Main Ave. W., Ste 303	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery

P.O. Box 485 Twin Falls, ID 83303-0485	☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: pla@idahowaters.com Phone: (208) 733-0700
John K. Simpson 1010 W. Jefferson, Ste 102 P.O. Box 2139 Boise, ID 83701-2139	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: jks@idahowaters.com Phone: 336-0700
W. Kent Fletcher Fletcher Law Office 1200 Overland Ave P.O. Box 248 Burley, ID 83318	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: wkf@pmt.org Phone: (208) 678-3250
David Gehlert US Department Of Justice 999 18th Street, South Terrace, Ste. 370 Denver, CO 80202	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: david.gehlert@usdoj.gov Phone: (303) 844-1386
USDI Bureau Of Reclamation Represented By: US Department Of Justice Environment & Nat'l Resources 550 West Fort Street, MSC O33 Boise, ID 83724	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: _____
United States Of America Regional Director Pn Region Bureau Of Reclamation Pn-3100 1150 N Curtis Rd Ste 100 Boise, ID 83706-1234	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____

	☒ E-Mail: mhoward@usbr.gov
American Falls Reservoir Represented by: Craig D. Hobdey 125 5 th Ave. P.O. Box 176 Gooding, ID 83330	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: hobdeycraig@gmail.com ☐ Statehouse Mail Phone: (208) 934-4429
American Falls Spaceholders New Sweden Irrigation Dist. Represented by: Jerry R. Rigby 25 N. 2 nd E. P.O. Box 250 Rexburg, ID 83440-0250	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: _____ ☐ Statehouse Mail Phone: (208) 356-3633
Josephine P. Beeman Beeman & Associates, P.C. 409 W Jefferson St Boise, ID 83702	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: jo.beeman@beemanlaw.com Phone: 331-0950
State Of Idaho Represented By: Natural Resources Div. Chief State Of Idaho Attorney General's Office P.O. Box 44449 Boise, ID 83711-4449	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☐ E-Mail: _____ ☒ Not applicable
IDWR Document Depository P.O. Box 83720 Boise, ID 83720-0098	☐ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express ☐ Facsimile: _____ ☐ E-Mail: _____ ☒ Statehouse Mail
Scott L. Campbell	☐ U.S. Mail, Postage Prepaid

101 S. Capitol Blvd. 10th Fl. P.O. Box 829 Boise, ID 83701-0829	☐ Hand Delivery ☒ Federal Express Priority Overnight ☐ Facsimile: _____ ☒ E-Mail: slc@moffatt.com ☐ Statehouse Mail Phone: 345-2000
Charles F. McDevitt 420 W. Bannock St. P.O. Box 2564 Boise, ID 83701-0829	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: chas@mcdevitt-miller.com ☐ Statehouse Mail Phone: 343-7500
Albert P. Baker Shelly Davis 1010 W. Jefferson, Ste. 102 P.O. Box 2139 Boise, ID 83701-2139	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery ☐ Federal Express Priority Overnight ☐ Facsimile: _____ ☐ E-Mail: apb@idahowaters.com ☐ Statehouse Mail Phone: 336-0700



Olga L. Valdivia
Legal Assistant

ATTACHMENT A

01-02064
01-02064A
01-02064E
01-02064F
01-02064L
01-10042
01-10042A
01-10042B
01-10053A
01-10190
(American Falls Subcases)

01-02068
01-02068D
01-02068E
01-02068F
01-02068M
01-02068Y
01-10043
01-10043A
01-10043E
01-10191
01-10389
(Palisades Subcases)