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AUG 20 2012

DEPARTMENT OF
WATER RESOURCES

Attorneys for Riverside Irrigation District

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 No. 63-33682

AFFIDAVIT OF ANDY BISHOP
(Christian Gulch)

STATE OF IDAHO)
) ss.
County of Canyon)

Andy Bishop, having been duly sworn upon oath, deposes and states as follows:

1. My name is Andy Bishop. I am the Superintendent of the Riverside Irrigation District, Ltd., whose business address is 120 N. 3rd St., Parma, Idaho 83660. Riverside is a nonprofit irrigation entity formed pursuant to Idaho law and a corporation in good standing that delivers irrigation water to approximately 10,158 acres of land in Canyon County, Idaho and Malheur County, Oregon. I have been Riverside's Superintendent since 1997. As Riverside's Superintendent, I am responsible for the operation, maintenance, and repair of Riverside's entire irrigation delivery system, including its diversion infrastructure and its canals, lateral ditches, and other conveyance facilities. I am familiar with the entire Riverside Canal System and experienced in estimating water flows. Based upon my employment experience with Riverside, I

understand the function and operation of Riverside's irrigation diversion, conveyance, and delivery facilities, and I make this affidavit based upon my own personal knowledge.

2. Riverside's primary irrigation conveyance and delivery facility is the Riverside Canal. The Riverside Canal diverts water from the Boise River in Township 4 North, Range 3 West, Section 10, SESW, pursuant to water rights 63-226, 63-227, 63-228, 63-229, 63-299, and 63-300. From there, the Canal flows generally to the south, until it empties into Indian Creek. There Riverside's water is diverted from Indian Creek into the Riverside Canal in Township 4 North, Range 3 West, Section 21, NWNE. Riverside holds additional water rights 63-2279 and 63-2374 to divert from Indian Creek in addition to its Boise River rights. From Indian Creek, the Riverside Canal generally flows to the west-northwest. As it flows to the west, the Riverside Canal receives water from several drains and wasteways, and some of those drain rights have been decreed in the SRBA.

3. One of these drains without a decreed water right is located in Township 4 North, Range 5 West, Section 1, SESE, where the Riverside Canal receives water from the Christian Gulch, which is also known as the Christian Gulch wasteway. There is a pipe where Christian Gulch terminates into the Riverside Canal. This pipe diverts all water from Christian Gulch into the Riverside Canal, which is not taken by other users. The following properties also divert water from Christian Gulch Wasteway above this point:

- (a) 63-3191 for 2.22 cfs in the name of Harper, priority date 7/1/1960
- (b) 63-3200 for 0.34 cfs in the name of Kandler, priority date 8/23/1960
- (c) 63-9212 for 0.72 cfs in the name of Kandler, priority date 4/15/1979

The remainder of the water available in Christian Gulch can be and must be diverted into the Riverside Canal. Christian Gulch terminates in the Riverside Canal at this location. Attached

hereto as Exhibit A is a true and correct copy of a topographical map which accurately depicts where the Christian Gulch is diverted into the Riverside Canal.

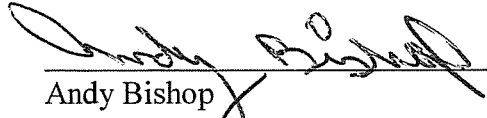
4. Priority dates for Harper and Kandler, respectively, are 7/1/1960 (63-3191); 8/23/1960 (63-3200); and 4/15/1979 (63-9212). Riverside Irrigation District water rights for the Riverside Canal itself date back to the 1880s. The canal was originally built before 1900. There is a date of 1948 on the concrete structure which brings the pipe from Christian Gulch into the canal. It is possible or even likely that there was a diversion at this location into the Canal before them. However, based on the date on the structure, Riverside has set the priority date for this claim as the first day of the irrigation season for 1948. In order to determine the quantity of water flowing in Christian Gulch that is diverted to the Riverside Canal, I have estimated the flow based on personal observations in 2012 and based on my familiarity with this location on the Canal. The water year 2012 so far has neither been a drought year nor extraordinarily high water. I estimate that the maximum flows from Christian Gulch into the Riverside Canal is 8.0 cfs. My most recent observation as of August 1, 2012, was that there was 5.0 cfs flowing into the Riverside Canal. Based on my experience with the Canal and since 2012 was not an extraordinary wet or dry year, it is likely that 8.0 cfs has been diverted into the Riverside Canal at this location for as long as the diversion structure and pipe has been there.

5. The season of use for Riverside's other rights is 3/1 to 11/15. The water from Christian Gulch is diverted into the canal throughout the time that water is flowing in the canal, and Riverside can and does put the Christian Gulch water to use during its entire season of use 3/1 to 11/15.

6. Attached is a map showing the POD and surrounding area prepared on behalf of Riverside by SPF Water Engineering.

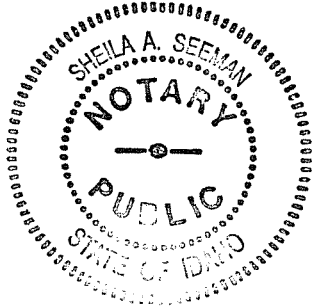
7. The place of use of water diverted into the Riverside Canal from Christian Gulch is within the boundaries of Riverside Irrigation District's delivery system as recorded in IDWR records for Riverside.

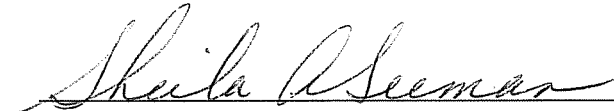
Further your affiant sayeth naught.



Andy Bishop

SUBSCRIBED AND SWORN to before me this 9th day of August, 2012.





NOTARY PUBLIC FOR IDAHO
Residing at PARMA IDAHO
My Commission Expires 3/17/2016

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