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DEPARTMENT OF
WATER RESOURCES

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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. 63-33683

AFFIDAVIT OF ANDY BISHOP
(Guess 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. 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 4 West, Section 8, SWSW, where the Riverside Canal receives water from the Guess Gulch. There is a diversion structure where Guess Gulch intersects the Riverside Canal which allows Riverside to control of the quantity of water diverted from Guess Gulch into the Riverside Canal. At this location a pipe under the Canal also delivers water to Shaw Cattle property from Guess Gulch. Shaw Cattle has a water right for 1.07 cfs from this source. The remainder of the water available in Guess Gulch can be and is diverted into the Riverside Canal. Guess Gulch terminates in the Riverside Canal at this location. Attached hereto as Exhibit A is a true and correct copy of a photograph which accurately depicts where the Guess Gulch is diverted into the Riverside Canal.

4. Shaw Cattle has a water right for 1.07 cfs from Guess Gulch with a 1922 priority date. Riverside Irrigation District water rights for the Riverside Canal itself date back to the 1880s. The canal was originally built before 1900. Most of Riverside's other drain rights date to 1915-1917 time period when Riverside obtained Licenses for water diverted from the various drains into the Riverside Canal. Given the physical nature of Guess Gulch, it is likely that the water in Guess Gulch was diverted into the Riverside at least as early as the other drains. By 1922, the records show that there was a physical structure diverting water to what is now the Shaw Cattle property, according to Shaw Cattle's water right files, so the use of Guess Gulch drain water in the Riverside Canal logically would not have been later than the date when water was also diverted into Shaw Cattle property.

5. In order to determine the quantity of water flowing in Guess Gulch that is diverted to the Riverside Canal, Riverside Irrigation District engaged the services of SPF Water Engineering to conduct measurements of the flow in 2011. The water year 2011 was neither a drought year nor extraordinarily high water. SPF reported to me flows in Guess Gulch of:

3.5 cfs on 3/17/2011

21 cfs on 7/25/2011

22 cfs on 9/8/2011

4.9 cfs on 11/10/2011

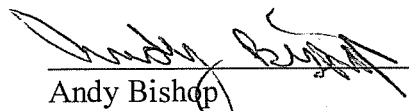
Taking into account the 1.07 cfs water right for Shaw Cattle, Riverside would be able to and has put to use by diversion into the canal, the difference, or 21 cfs. Based on my experience with the Canal and since 2011 was not an extraordinary wet or dry year, it is likely that 21 cfs has been diverted into the Riverside Canal at this location for as long as the diversion structure has been there.

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

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

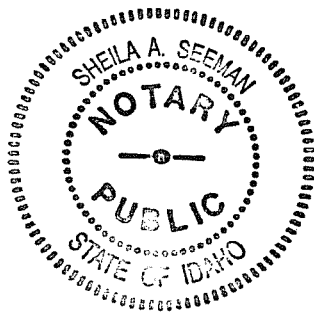
8. The place of use of water diverted into the Riverside Canal from Guess Gulch is within the boundaries of Riverside Irrigation District's delivery system as recorded in IDWR records for Riverside.

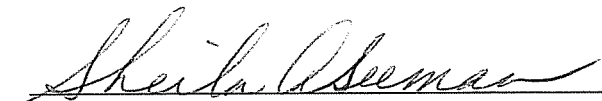
Further your affiant sayeth naught.



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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