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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. 65-33735

AFFIDAVIT OF ANDY BISHOP
(West End Drain)

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 with a decreed water right, 63-4010, is located in Township 4 North, Range 4 West, Section 16, SENE, where the Riverside Canal receives water from the West End Drain. There is no diversion structure where the West End Drain intersects the Riverside Canal. Therefore, Riverside cannot control or limit the quantity of water diverted from the West End Drain into the Riverside Canal. Instead, the West End Drain flows into and terminates in the Riverside Canal delivering its entire flow to the Canal at this location. All water in the West End Drain at this location is diverted into the Riverside Canal. Attached hereto as Exhibit A is a true and correct copy of a photograph which accurately depicts where the West End Drain terminates and is diverted into the Riverside Canal.

4. Riverside has a water right under 63-4010 for 70 cfs from the West End Drain with a 1916 priority date. Riverside Irrigation District water rights for the Riverside Canal itself

date back to the 1880s. The canal was originally built before 1900. The West End Drain right, 63-4010 was based on an application for a permit which sought 70 cfs. Portions of the Idaho Department of Water Resources permit files are attached. The State Engineer's Completion Report, dated June 5, 1916, documents the presence of 70 cfs as of the date of that exam. The Report also explains that the West End Drain carried all the water from that drain into the Riverside Canal as of that time.

5. In the last few years, Riverside has been working with other entities and with water engineers to evaluate the flows into and out of the Riverside Canal for both control purposes and water quality improvements water flow into the canal at various points, including Mammen Gulch, has been measured. In 2011, SPF engineers measured in-flow into the Riverside Canal from the West End Drain and reported those flow rates to Riverside in a 2012 report.

6. SPF's report documented the following in-flow into the Riverside Canal during the 2011 water season:

19-April	87
19-May	144
8-July	141
28-July	151
17-August	156
8-September	137
6-October	163
Average	140
Maximum	163

Minimum 87

7. Historically, as irrigation developed in this valley return flows from irrigation above the Riverside irrigation district and canal have significantly increased. The increases are reported from historical records and discussions with long-time residents to have been the greatest in the early part of the last century, and particularly after full development of the Boise Project and Pioneer Irrigation District. As much of that development occurred by the 1920s, Riverside suggest that the additional water rights sought in this beneficial use claim should have a priority date of the beginning of the water year in 1926.

8. Based on my experience with the Canal and since 2011 was not an extraordinary wet or dry year, at least 160 cfs measured by SPF has been diverted into the Riverside Canal at this location for as long as I have been associated with Riverside. Since 70 cfs is decreed under Partial Decree for water right 63-4010, this late claim is necessary for the additional 93 cfs historically put to beneficial use by Riverside Irrigation at this diversion. Accordingly, this is submitted as a beneficial use claim for additional water, as not to raise a collateral attack on the license.

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

10. Attached is a map showing the POD and surrounding area which is part of the Adjudication back file for 63-4010.

11. The place of use of water diverted into the Riverside Canal from the West End Drain 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 20th day of December 2012.

SHEILA A. SEEMAN NOTARY PUBLIC STATE OF IDAHO

NOTARY PUBLIC FOR IDAHO
Residing at Parma, Idaho
My Commission Expires 3/17/2016

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EXHIBIT A

EXHIBIT B

Proof of completion of works made January 8th,1917.

Certificate of Completion issued February 5th,1917.

Permit No. 11907.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Riverside Irrigation District, Ltd., of Roswell, County of Canyon, and State of Idaho, the holder of Permit No. 11907, issued upon Application No.17104, bearing date of priority of December 1, 1915, authorizing the diversion of seventy (70) second feet of the waters of West End Drain, tributary of Boise River,County of Canyon, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use seventy (70) second feet of the waters of said West End Drain; that the point of diversion of said waters is at a point in the SEP of NE¼, Sec. 16, T. 4 N., R. 4 W., B.M., and that the lands proposed to be irrigated by the use of said waters are described as follows, to-wit:

T. 4 N., R. 4 W., B.M.	
Sec. 6 Lot 7	5 acres.
T. 4 N., R. 5 W., B.M.	
Sec. 1 Lot 4	6 "
T. 5 N., R. 5 W., B.M.	
Sec. 35 N½ NW¼ & N½ NW¼	85 "
Sec. 34 N½ NE¼	45 "
Sec. 27 SE¼ SE¼, N½ SE¼, SE¼ SW¼, N½ SW¼, S½ NW¼, Lots 3 & 4	370 "
Sec. 22 Lot 5	30 "
Sec. 28 SE¼ SE¼, SW¼ SE¼, N½ SE¼, N½ and N½ NW¼	436 "
Sec. 21 S½, Lots 5 & 6	367 "
Sec. 29 N½ SE¼, NE¼ & NW¼	314 "
Sec. 20 S½, S½ NE¼, NW¼, Lots 1 & 3	620 "
Sec. 17 SW¼ SW¼, Lots 5,6,& 7	140 "
Sec. 30 N½	229 "
Sec. 19 All	640 "
Sec. 18 SW¼, S½ NW¼, S½ SE¼, NW¼ SE¼, Lots 3,4,5,7&8-	575 "
T. 5 N., R. 6 W., B.M.	
Sec. 14 All : " 23 " : " 24 " : " 25 " :	2022 acres
Sec. 13 S½, SE¼ NE¼, N½ N½	520 "
Sec. 36 NW¼ NW¼	5 "
Sec. 35 SW¼ NE¼, N½ NE¼, Lots 1,2,3,	186 "
Sec. 11 SW¼ SE¼ & Lot 4-	82 "
making a total of	7097 "

Witness my hand this 5th day of February, A. D. 1917.

J. H. Smith,
State Engineer of the State of Idaho.

REPORT OF ENGINEER

Completed.

1. State name of applicant and number of permit: Riverside Irrig. District — #11907

2. State source of water supply: West End Drain — 20 Sec. ft.

3. Location of point of diversion: SE¼ NE¼ Sec. 16, T. 4 N., R. 4 W., B. M.

Pt. of diversion is S. 34° 27' W. 2402' from NE Cor. of said Sec. 16.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Fully Completed.

5. Describe works as they exist, giving dimensions and capacities of same: Govt. intake Drain ditch, 25' on bottom, 35' on water line, 7' deep — grade varies 3' to mile — empties direct into Riverside Canal, which at present carries all the water that comes thru this drain. Pipe gated drain — #11822 — also empties into West End Drain — The Riverside District plans on building an overshot over this Canal, into Dixie Slough, in order to care for surplus water.

6. State whether or not water has been turned into works of diversion: Yes — running about 30 sec. ft. at time of exam.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): Lands not to be irrigated in Riverside Irrig. District, as per filing.

8. Submit map on enclosed plat, showing location and details of above description. See Map on file.

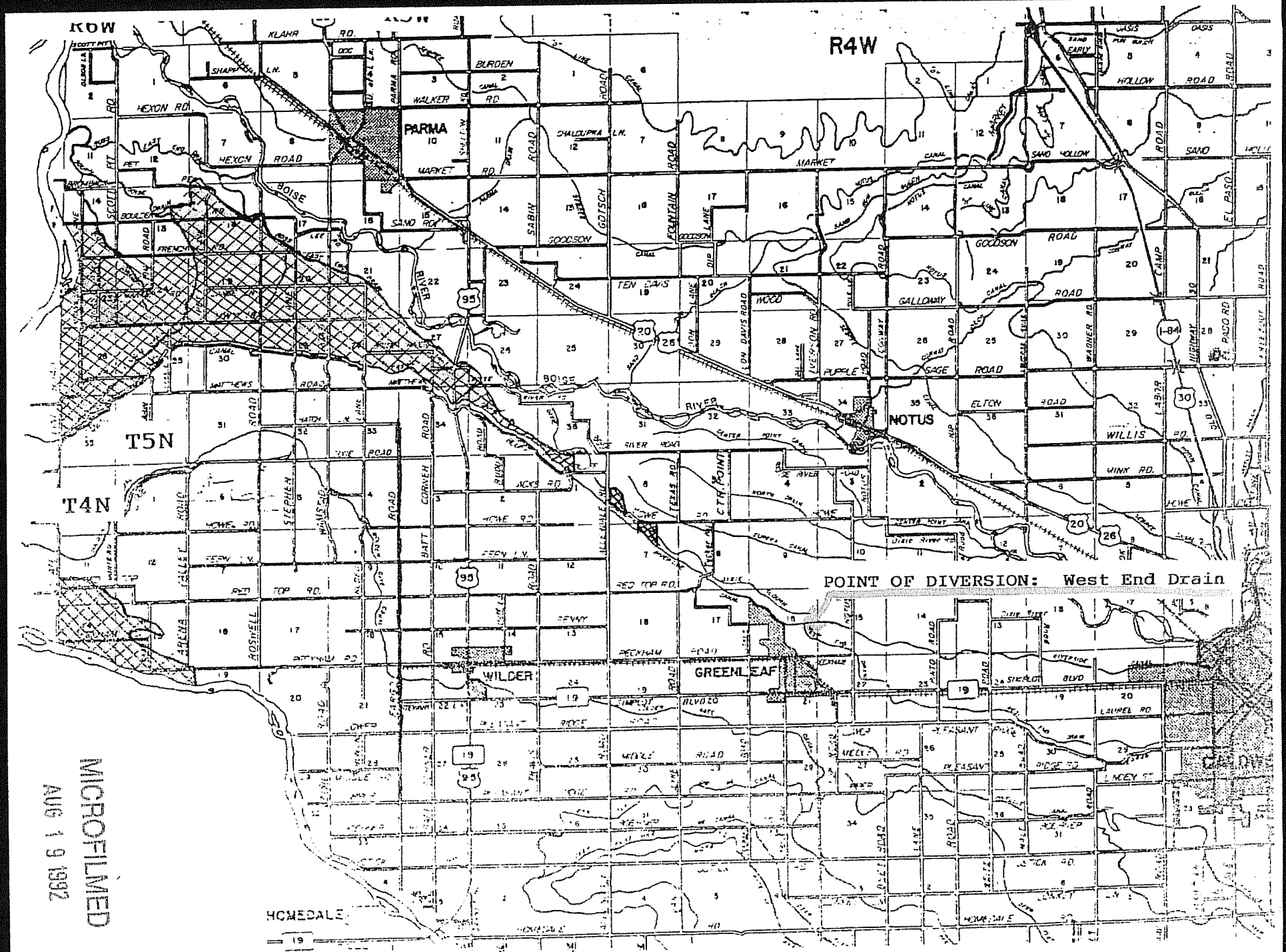
Remarks:

This examination was made on the 5th day of Jan. 1916

(Signed) [signature]
Examiner.

11907

EXHIBIT C



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