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Movant's Name
Sand Springs Ranch Partnership

Attorney's Name & Addresses
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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	)	Case No. 36-00051A
	)	
Case No. 39576	)	AFFIDAVIT OF TOM
	)	AMBROSE IN SUPPORT
	)	OF MEMORANDUM
_____	)	

Tom Ambrose, duly sworn on oath, states as follows:

1. I am a partner of Sand Springs Ranch Partnership, the Movant in this matter.
2. Sand Springs Ranch Partnership is the owner of water rights located in Basin 36 of the Snake River Basin Adjudication ("SRBA").
3. Walten Mildren ("Mildren") has objected to the Director's Report with respect to his water right number 36-00051A in Basin 36. The source of the water is Billingsley Creek. The water right has a claimed priority date of June 26, 1881. The differences between the Director's Report and Mildren's objection is significant. Mildren claims 4 irrigated acres. The Department's Report

suggests that only 3 acres are irrigated. Mildren claims 1.2 cfs are necessary to irrigate these 4 acres or 15 inches of water per acre. The Department recommends .12 cfs, or 2 inches per irrigated acre recommended in the Report, including a reasonable allowance of .5 inch per acre for transmission losses. Mildren's claim is so unreasonable as to be facially invalid. Cf. IDAHO CODE § 42-220. Reputable studies, including the Department's, indicate that the statutory standard of one inch per acre is sufficient, on average, to irrigate property such as Mildren's.

4. Mildren also claimed year round irrigation use. The Director recommended March 15 to November 15. Mildren's objection also seeks to add year-round uses for stockwater, aesthetics, and wildlife habitat, which were not part of the Mildren claim and should be disallowed. These facts, if established, would constitute a meritorious defense to the Mildren objection.

5. Based on the pleadings and party status of IDWR prior to the 1994 amendments to the SRBA statutes, Ambrose Farms decided not to participate in this subcase, choosing instead to rely on the Director's report and IDWR's defense of its pleading. The facts of this situation show that the IDWR, had it remained a party to this subcase, would have been, without substantial outside assistance, able to defend its report and significantly reduce the claimed diversion rate by Mildren.

6. With the removal of IDWR and the Director as a party to the SRBA and all subcases, parties such as Ambrose Farms who opted to rely on IDWR to litigate and advocate in favor of the Director's Report are unable to do so.

DATED: August 18, 1995

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Tom Ambrose, Partner

STATE OF IDAHO)
) ss
County of Ada)

Subscribed and sworn before me on August 18, 1995.

/s/

Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires: _____