

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. 36-15168
	)	
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. Hagerman Water User's Association ("HWUA") has objected to the Director's Report with respect to HWUA's WR # 36-15168 in Basin 36. The source of the water is a spring tributary to Billingsley Creek. The water right has a claimed priority date of April 7, 1906. The differences between the Director's Report and HWUA's objection are as significant as any in Basin 36

considering both the absolute magnitude and the percentage difference between the claimed rate of diversion and the proposed rate of diversion. The objection claims 493 acres under irrigation and 36.20 cfs rate of diversion, or more than 3 inches/acre. The Department's report and Sand Springs Ranch Partnership's proposed response claim approximately 335 acres under irrigation and a rate of diversion limited by beneficial use to 7.43 cfs, a net difference of 28.77 cfs.

4. Based on the pleadings and party status of IDWR prior to the 1994 amendments to the SRBA statutes, Sand Springs 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 HWUA.

5. 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

/s/
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: _____