

Party's Name: William Taylor

Attorneys' Names and Address

Jeffrey C. Fereday
Michael C. Creamer
GIVENS PURSLEY & HUNTLEY
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
(208) 342-6571
(208) 343-8920 (facsimile)
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MAY 01 1995
Department of Water Resources
Adjudication Bureau

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 Nos. 36-00134A
36-00135B

AFFIDAVIT OF WILLIAM
TAYLOR

STATE OF IDAHO)
: ss.
COUNTY OF BONNEVILLE)

William Taylor, being first duly sworn upon oath, deposes and states as follows:

1. I am a farmer in Bonneville County, Idaho. I hold several water rights which I use for irrigation and other purposes. For example, one of my water rights is license no. 35- 29528, which authorizes the diversion of 10.660 cfs of ground water, under a February 27, 1961 priority date, from a well in Bonneville County. Water under this right is used to irrigate 638 acres.

2. I have filed a claims for each of my water rights in the Snake River Basin Adjudication. For example, the above-referenced water right has been assigned claim number A35-02648 in the SRBA.

3. As a junior water right owner, I have a strong interest in ensuring that those persons who hold senior water rights and who may be eligible to implement a delivery call against my rights are not adjudicated diversion or use entitlements in excess of the amount that actually is, or can be, placed to beneficial use according to law. I would suffer harm if forced to curtail my diversions to satisfy unreasonable rates or volumes of diversion or periods of use by a senior water right holder.

4. I am aware that the Director's Report for Basin 36 contained the Department's recommendations for several thousand water rights. My water rights are situated in Basin 35. During the period when objections could be filed with regard to Basin 36 claims, I had no reasonable expectation that water right claimants with sources from the Snake River or the Hagerman area in Basin 36 might assert a priority call on junior ground water rights such as mine. I did not at that time review the Basin 36 Report

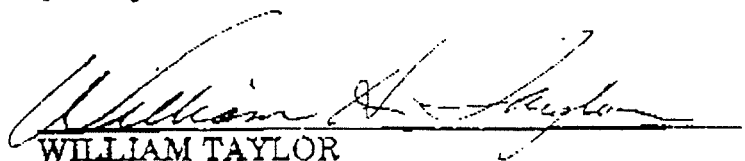
5. After the Idaho Supreme Court's decision in the *Musser* case, it became clear to me that at least some ground water rights in the Snake Plain Aquifer, at least in Basin 36, could be affected by delivery calls from the Hagerman area. After the Department of Water Resources' subsequent promulgation of conjunctive management rules designated the entire Eastern Snake Plain Aquifer to be an area of common ground water supply, I concluded that the area potentially affected by a delivery call from the Hagerman area could go beyond even district 36 and could encompass the area where my ground water rights are situated in Bonneville County.

6. Shortly after the *Musser* decision, I was informed that the SRBA Court entered a stay which prohibited any actions by parties in the SRBA. When the stay was lifted, the Idaho Ground Water Appropriators, Inc., with my

knowledge and support, sought an order establishing a framework for participation on the Basin 36 claims in light of the the Musser decision and the conjunctive management rules.

7. I am aware of the objections regarding their water rights filed by the Candys in this matter. I wish to participate in the proceedings concerning their objections, or similar objections filed by others, because issues of law may be established in the proceeding that could affect my ground water rights.

DATED this 28th day of April, 1995.


WILLIAM TAYLOR

SUBSCRIBED AND SWORN TO before me this 28 day of April, 1995.


NOTARY PUBLIC, State of Idaho
Residing at Boise Rexburg, ID
Commission Expires: 10-15-2000