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DEPARTMENT OF WATER RESOURCES

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

*36-3A
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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) Subcase Nos. SEE ATTACHED LIST
Case No. 39576) AFFIDAVIT OF DAVID B. SHAW
_____)

STATE OF IDAHO)
County of Ada) ss.

DAVID B. SHAW, being first duly sworn upon oath, deposes and states as follows:

COPY

1. I am the adjudication bureau chief for the Idaho Department of Water Resources (IDWR). My work address is 1301 North Orchard Street, Boise, Idaho 83706. I reside in Emmett, Idaho.

2. I make the following statements based upon my personal knowledge of the facts related therein.

3. On several prior occasions I have been qualified by the SRBA Court as an expert witness in the investigation and determination of water rights in the SRBA, and have so testified before the Court. I was recently designated by Special Master Hammerle as IDWR's expert witness regarding the administration of water rights in the Reynolds Creek Basin, and so testified during the Special Master's determination of Basinwide Issue 5A.

4. I am licensed by the State of Idaho as a professional engineer and land surveyor. My area of practice is agricultural engineering.

5. I received bachelor of science and master of science degrees in agricultural engineering from the University of Idaho in 1966 and 1972, respectively. My course work included classes in irrigation methods, hydrology, soil mechanics, process and control classes, economics, statistics, and various structural and mechanical design courses.

6. From 1968 through 1973 I taught in the University of Idaho College of Engineering, teaching courses in engineering graphics, engineering science (statics and dynamics), introductory and advanced FORTRAN programming, freshman engineering design, and slide rule use.

7. Between 1974 and 1978 I served as IDWR's Technical Support Section Manager at the State office in Boise. In that position I was responsible for managing the staff which provided technical support in the areas of engineering, economics, soils, geohydrology, geothermal resources, remote sensing and computer operations. The section I managed provided technical support to the Idaho Water Board for completion of the original State Water Plan, as well as providing some technical support for the Lemhi River and Payette River adjudications. After completion of the State Water Plan, I managed the water allocation section of IDWR's State office in Boise, which was responsible for water right processing (including applications, permits, and licenses for new water rights, and applications for transfer of existing water rights); water distribution and administration, including calls for water and water master supervision; and water right adjudications.

8. From 1978 to 1985 I served as regional manager of IDWR's Western Region office in Boise. As engineer in charge of IDWR's Western Region I supervised all aspects of that office's operation, which included water right processing, water distribution and administration, dam safety, stream channel protection, well driller licensing and enforcement, and water right adjudications, including the Payette River adjudication, which was managed from the Western Region office. I also supervised IDWR's efforts on various smaller adjudications, including Reynolds Creek, Shoofly Creek, Monroe Creek, and several summary supplemental adjudications.

9. When IDWR created a separate adjudication bureau in 1985 to provide centralized management of all adjudication activities, including the then-anticipated

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Snake River Basin Adjudication, I was chosen as its first adjudication bureau chief. In my eleven year tenure as engineer in charge of that bureau I have supervised its creation and development to carry out its statutory duties, including notice to adjudication claimants, taking of claims to water rights, investigation and recommendation to the district court of claims to water rights arising under state law, and resolution of water right claims contested before the court, including further investigation, negotiation and trial. I personally have overseen the development of IDWR's claims investigation and recommendation procedures in the SRBA, particularly with regard to helping insure that IDWR's methodology for confirming each claimed element of a water right is technically sound and based upon accepted scientific and engineering principles.

10. As adjudication bureau chief I additionally served as co-chair to the technical advisory committee--comprised of state, Indian, federal, and private parties--that advised the negotiating committee which produced The 1990 Fort Hall Indian Water Right Agreement.

11. Additionally as adjudication bureau chief I took lead responsibility for preparation of the water distribution rules for the Big Lost River Basin, the first such rules adopted in Idaho.

12. I am a founding member of the Western States Adjudication Conference, an informal association of state agency water right adjudication professionals from throughout the western states who meet annually to share ideas, experiences and insight on various issues and problems common to water right adjudications

throughout the region.

13. I grew up on an irrigated farm in the Payette River Valley near Emmett. Since 1982 I have operated an irrigated orchard near Emmett. I presently raise 85 acres of cherries, plums, peaches, pears and apples, as well as 40 acres of row crops.

14. Based upon the combination of knowledge, skill, experience, education and training described above, I consider myself both as an expert in the investigation and determination of water rights in the SRBA, including the development and application of--and the scientific and engineering principles underlying--IDWR's standards and procedures for investigating and recommending individual water rights, and as an expert in IDWR's policies and procedures for the determination and administration of water rights in accordance with the laws of Idaho.



DAVID B. SHAW

SUBSCRIBED AND SWORN TO before me, a notary public in and for the State of Idaho, this 15th day of July, 1996.



NOTARY PUBLIC
Residing in Boise, ID
Commission expires 5-16-2002

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of July, 1996, I caused to be served a true and correct copy of the foregoing AFFIDAVIT OF DAVID B. SHAW on the following persons by hand delivery to the address listed below.

Patrick D. Brown, Esq.
HEPWORTH, LEZAMIZ & HOHNHORST
133 Shoshone Street North
Twin Falls, Idaho



NICHOLAS B. SPENCER

ATTACHMENT A

36-00003A
36-00003C
36-00003E
36-00003F
36-00034B
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