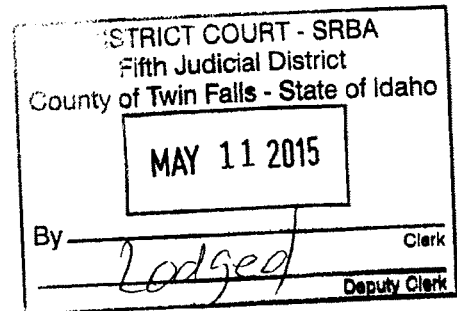


Chas. F. McDevitt (ISB No. 835)
Dean J. Miller (ISB No. 1968)
Celeste K. Miller (ISB No. 2590)
McDEVITT & MILLER LLP
420 West Bannock Street
P.O. Box 2564-83701
Boise, ID 83702
Tel: 208.343.7500
Fax: 208.336.6912
chas@mcdevitt-miller.com
joe@mcdevitt-miller.com
ck@mcdevitt-miller.com



Attorneys for Black Canyon Irrigation District

**IN THE DISTRICT 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. 65-2927A, 65-2927B and
65-23531
(Cascade)

Subcase Nos. 65-2917, 65-9483, and
65-23532
(Deadwood)

**AFFIDAVIT IN SUPPORT OF MOTION
TO VACATE TRIAL PROCEEDINGS**

State of IDAHO)
) ss
County of Ada)

Chas. F. McDevitt being first duly sworn on oath deposes and states as follows:

1. I am a member of the Idaho State Bar;
2. I make this Affidavit based upon my own personal knowledge, having attained an age in excess of 18 years.

3. On April 15, 2015, the parties hereto represented to the Court that this matter would be settled and not go to a contested proceeding. On this basis the Court set the present trial schedule;
4. Your Affiant had advised his client Black Canyon Irrigation District that he thought this matter could be settled without trial. Based upon your Affiant's attendance at settlement conferences in Basin 63, he thought a settlement would be reached with the State of Idaho in Basin 65;
5. When the State of Idaho made its presentation of an offer of settlement to the Black Canyon Irrigation District, it was reviewed by your Affiant with his clients. In your Affiant's mind, there was room to reach a settlement with the State;
6. On April 17, 2015, at the settlement conference with the State, with members of the Board of Directors of Black Canyon Irrigation District and the Manager of the Gem Irrigation District present, it appeared that the opinion and advice of your Affiant was in error and that this matter would have to proceed to contested hearing;
7. This matter was reviewed with the Directors of Black Canyon Irrigation District at a Board Meeting on May 5, 2015. Your Affiant was advised to proceed and prepare for a contested hearing and to employ additional trial counsel, which is proceeding at this time. Counsel requires additional time within which to adequately present the position of Black Canyon Irrigation District.
8. This Motion of Black Canyon Irrigation District herein is not made to hinder or delay the proceedings and it is contemplated that the schedule could be set that would enable a hearing to proceed by the end of the first quarter of 2016.

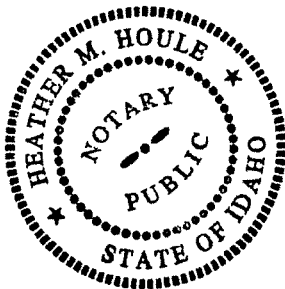
9. At the April 17, 2015 conference, your Affiant asked the State's Counsel if they would stipulate to change the trial schedule and the State declined. Your Affiant advised the State that his client might well file a separate Motion, so this does not come as a surprise to the State of Idaho.

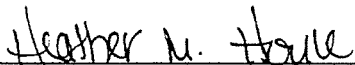
Further your Affiant sayeth not.

DATED this 8th day of May, 2015.


Chas F. McDevitt, Esq. (ISB No. 835)

SUBSCRIBED AND SWORN to before me this 8th day of May, 2015.




Notary Public for IDAHO
Residing at Boise, ID
Commission Exp.: 6/20/18