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Attorney for IDWR

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: See Attachment A

AFFIDAVIT OF MARCI STERLING
REGARDING CONSUMPTIVE USE
FOR IRRIGATION

STATE OF IDAHO)

) ss.

County of Ada)

Marci Sterling, being first duly sworn, deposes and states as follows:

1. My name is Marci Sterling. I am above the age of eighteen and testify below based upon my personal knowledge and experience.

2. In my capacity as water resource engineer for the adjudication bureau of the Idaho Department of Water Resources, I helped survey other prior appropriation states

regarding their purpose and methodology for determining consumptive use. The information obtained from each state and the person providing the information is listed below.

3. California: I contacted Roger Johnson, Assistant Division Chief of the California Water Resources Control Board, Division of Water Rights, and Mark Stretars, Senior Water Resource Control Engineer. They informed me that although they review transfers for injury to other water rights, they generally don't determine consumptive use. Virtually all transfers in California in the past have been to move storage rights from one storage facility to another; only a few have been filed seeking transfers of direct flow rights. For direct flow rights, they look primarily to diversion rate and diversion volume, although in the last 20 years or so they have included consideration of the evapotranspiration for the crops actually grown in determining diversion volume.

4. Oregon: Reed Marbut, Oregon Department of Water Resources, indicated that consumptive use is considered solely to determine water availability for applications for new water rights. Their ET and net irrigation requirement is based on a study by the Oregon State University called "Oregon Crop Water Use and Irrigation Requirements," and are determined using actual crops and average values. In reviewing transfers for injury to other water rights, Oregon looks primarily to diversion rate, diversion volume, and season of use.

5. Washington: Doug McChesney, Washington Department of Ecology, indicated that consumptive use is used to determine diversion volume on applications for new water rights. Their values are based on a joint study by Washington State University and the Cooperative Extension Service, and the specific crops proposed. Mr. McChesney was fairly confident that the values used (crop requirement value) excludes precipitation. In reviewing

transfers for injury, they consider injury to both junior and senior water rights, and look primarily to diversion volume and whether the source will be depleted by the transfer.

Marci Sterling
Marci Sterling

Subscribed and sworn to before me this 17th ^{Sept.} day of ~~August~~, 1996.

Dawn M. Smith
Notary Public for Idaho
Residing at: BOISE ID
My commission expires: 12/5/2000

Certificate of Service

I certify that on the 17th day of September, I ~~hand-delivered~~ ^{SEXED} copies of the foregoing document,

including all attachments, to the following:

Patrick D. Brown
133 Shoshone St North
Twin Falls, ID 83303

Dawn M. Smith
Person mailing documents

TO: I D W R

MAR-16-'88 FRI 21:55

1: IDWR SOUTH

TEL NO:

#176 P05

ATTACHEMENT A

36-00003A
36-00003C
36-00003E
36-00003F
36-00034B
36-00035J
36-00039C
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36-00061
36-00062
36-00063
36-00064B
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36-00085A
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36-00103F
36-00106
36-00108B
36-10283B
36-10409