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**DEPARTMENT OF**  
**WATER RESOURCES**

Attorneys for Idaho Dairymen's Association

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BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF  
WATER TO VARIOUS WATER RIGHTS  
HELD BY OR FOR THE BENEFIT OF  
A&B IRRIGATION DISTRICT, AMERICAN  
FALLS RESERVOIR DISTRICT #2,  
BURLEY IRRIGATION DISTRICT,  
MILNER IRRIGATION DISTRICT,  
MINIDOKA IRRIGATION DISTRICT,  
NORTH SIDE CANAL COMPANY, AND  
TWIN FALLS CANAL COMPANY

**AFFIDAVIT OF ROBERT NAEREBOUT**

State of Idaho            )  
                                  ) ss.  
County of Twin Falls )

ROBERT NAEREBOUT, having been duly sworn under oath, deposes and states  
as follows:

1. I, Robert Naerebout, am the Executive Director of the Idaho Dairymen's Association ("IDA"); I am over 18 years of age; and am otherwise competent to testify as a witness in this action. All of the information set forth herein is based upon my personal knowledge.

2. As a result of the Surface Water Coalition's ("SWC") January 2005 filings with the Idaho Department of Water Resources, the IDA, through its counsel with the firm Moffatt, Thomas, Barrett, Rock & Fields, Chartered, issued information surveys to its membership to compile data regarding the members' stockwater and commercial dairy water use practices within Water Districts 120 and 130.

3. Once the surveys were returned, the resulting data was submitted to consultants from Brockway Engineering, PLLC, and Nutrient Management Solutions, LLC, for further analysis. Nutrient Management Solutions used the survey data to examine IDA member consumptive uses of their water rights and returns that IDA members make to the hydrologic system, strictly within Water Districts 120 and 130. The Brockway analysis inputted the survey data and site specific geographic location data of dairy operation water diversions into the Department's Eastern Snake Plain Aquifer ("ESPA") Enhanced Ground Water Model.

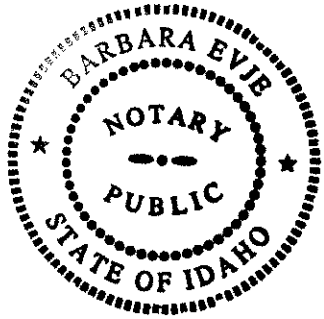
4. The results of both the Brockway and Nutrient Management Solutions analyses demonstrate the IDA members' *de minimis* use and impacts upon the ESPA, as well as water that IDA members return to the hydrologic system subsequent to its initial use. This critical information is crucial for consideration during the Director's curtailment determination.

5. Should the Director curtail IDA member ESPA water use during 2005, that curtailment will prevent drinking water delivery to approximately 217,441 IDA dairy cattle within the ESPA.

Further this affiant sayeth naught.

Robert Naerebout  
Robert Naerebout

SUBSCRIBED AND SWORN to before me this 2 day of <sup>May</sup>~~April~~, 2005.



Barbara Evje  
NOTARY PUBLIC FOR IDAHO  
Residing at Twin Falls Co  
My Commission Expires 12-27-05

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of May, 2005, I caused a true and correct copy of the foregoing **AFFIDAVIT OF ROBERT NAEREBOUT** to be served by the method indicated below, and addressed to the following:

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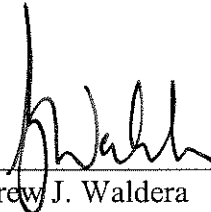
Courtesy Copies

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\_\_\_\_\_  
Andrew J. Waldera