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Attorneys for Plaintiffs

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
 OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF WATER )  
 TO WATER RIGHTS NOS. 36-02356A, 36-07210, )  
 AND 36-07427 )  
 (Blue Lakes Delivery Call) )  
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**AFFIDAVIT OF  
 R. LYNN CARLQUIST**

IN THE MATTER OF DISTRIBUTION OF WATER )  
 TO WATER RIGHTS NOS. 36-04013A, 36-04013B, )  
 AND 36-07148 (SNAKE RIVER FARM); AND TO )  
 WATER RIGHTS NOS. 36-07083 AND 36-07568 )  
 (CRYSTAL SPRINGS FARMS) )  
 (Clear Springs Delivery Call) )  
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STATE OF IDAHO )  
 ) ss:  
 County of Bannock )

I, R. LYNN CARLQUIST, having been first duly sworn hereby make the following

1. I am the Chairman of the North Snake Ground Water District. In that capacity, I am familiar with all operations of the North Snake Ground Water District including operations of its various members. I am also a farmer. I have been farming for thirty years and own 900 acres all of which is irrigated and lies within North Snake Ground Water District's boundary. I raise sugar

beets, wheat, alfalfa, and beans. Half of my farm is irrigated with deep water wells and the other half is irrigated with surface water shares from North Side Canal Company which diverts water from the Snake River. I also have a degree from Brigham Young University in accounting and practiced as a certified public accountant in public accounting and private industry for approximately 10 years. I am familiar with all aspects of farming, including the value of various agricultural crops and land generally. The following statements are based upon my own personal knowledge.

2. North Snake Water District is made up of approximately 400 members with approximately 1,050 wells that supply ground water for the irrigation of roughly 106,589 irrigated acres with a total of 1,629 cfs.

3. In addition, North Snake Ground Water District has members who own ground water rights for commercial, industrial, dairy, and stock which divert approximately 95.79 cfs. This number includes approximately 150 dairies and stock yards.

4. North Snake Ground Water District also has nine cities within its boundaries which divert roughly 44.93 cfs of ground water.

5. I am familiar with the April 30, 2007, Notice of Curtailment of Ground Water Rights in the Thousand Springs Area (Notice) and its attachments sent by the Idaho Department of Water Resources (IDWR) and the implications it will have on the members of the North Snake Ground Water District. I am also familiar with the underlying orders, issued by IDWR in 2005. I understand from the Notice, the 2005 orders, that water rights junior to June 9, 1975, are to cease diverting and this includes water rights for municipal, commercial, stock and industrial uses, or at least that portion of those water rights deemed to be consumptive in addition to the agricultural uses.

6. The agricultural land within North Snake Ground Water District has all been previously planted in beets, wheat, potatoes and alfalfa with beans in the process of being planted for the upcoming 2007 irrigation season. The curtailment would result in approximately 19,600 acres of irrigated agricultural land being dried up for the upcoming 2007 irrigation season. This would result in a curtailment of approximately 266 cfs leaving growing crops without irrigation water causing them to be lost. The loss in gross revenue as a result of this curtailment would be approximately \$14 to 16 million to just the farmers. This estimate does not include a loss to suppliers and other businesses or employees that may be affected by the drying up of the approximate 19,600 acres.

7. The following table depicts the cities that are located within the curtailment area within North Snake Ground Water District with junior-priority water rights that may have some, if not all of their water shut off.

City	Total Amount of Water Rights in CFS	Total Amount of Water Rights in CFS Subject to Curtailment
Dietrich	0.45	0.45
Hagerman	2	2
Hazelton	1.48	1.14
Richfield	1.92	1.63
Wendell	8.92	6.7
Gooding	7.05	5.9
Gooding golf course	1.07	1.07
Shoshone	8.13	2.01
Jerome	12.76	2.71

It is not clear from the Notice whether or not a portion of each of the City's water rights would be considered non-consumptive and thus not actually curtailed.

8. Also included within the curtailment area are stock yards, dairy farms, a campground, two cheese plants and a couple other commercial ventures. This would result in curtailment of approximately 34 cfs for those uses. This could result in the inability to continue

with the commercial processes that use milk, for example, which would result in a significant loss of payments to local dairy farmers.

9. At this time, North Snake Ground Water District has submitted the North Snake Ground Water District and Magic Valley Ground Water District Joint Replacement Water Plan for 2007. But, according to IDWR this Replacement Water Plan does not meet the requirements to forestall the curtailment.

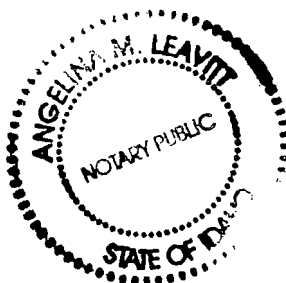
10. Based on the forgoing it is my opinion that the curtailment would result in immediate and irreparable harm and injury to the farms whose water rights are subject to curtailment as well as to dairy farmers, food processors, warehouses, cities, commercial business and the economy of the area in general. By contrast, if curtailment occurs it is my understanding that IDWR estimates that less than 30cfs might be supplied to all of the spring users in the Devil's Washbowl to Buhl reach. Furthermore, that if the curtailment does not occur the spring users will still have approximately the same supply of water they have utilized for the past several years and suffer little or no new injury.


Further your affiant saith not.

DATED: June 14<sup>th</sup>, 2007

  
R. LYNN CARLQUIST

SUBSCRIBED AND SWORN to before me this 14<sup>th</sup> day of June, 2007.



  
Notary Public for Idaho  
Residing at: Jerome, Idaho  
My Commission Expires: 5/27/10