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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
 ORLO H. MAUGHAN**

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))
 _____)

STATE OF IDAHO)
)
 ss:
 County of Minidoka)

I, ORLO H. MAUGHAN, having been first duly sworn hereby make the following statements:

1. I am the Chairman of the Magic Valley Ground Water District. In that capacity, I am familiar with all operations of the Magic Valley Ground Water District including operations of its various members. I am also a farmer. I have been farming for myself since 1975;

however, I grew up on a farm and have been involved in farming and farming activity my entire life. I currently own 1,550 acres: 1,082 acres of which is irrigated from deep water wells from the Eastern Snake Plain Aquifer; 235 acres are irrigated with A&B Canal Company shares from the Snake River. I also have 233 acres of dry land farm ground. My farm ground is located within the Magic Valley Ground Water District. I have raised a variety of crops over the years but my primary crops are sugar beets and wheat and I rent some of my ground out for potatoes. I am well acquainted with all aspects of farming including the value of different agricultural land and crops. The following statements are based upon my own personal knowledge.

2. Magic Valley Ground Water District is made up of approximately 330 members with roughly 488 licensed wells of which 426 are routinely pumped and supply ground water to irrigation of roughly 125,000 agricultural acres with a total of 2,113 cfs.

3. 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 its implications on the members of the Magic Valley 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.

4. The agricultural land within Magic Valley Ground Water District has all been planted previously in beets, wheat, potatoes and alfalfa with the beans in the process of being planted for the upcoming 2007 irrigation season. The curtailment would result in curtailment of approximately 18,400 agricultural acres for the upcoming 2007 irrigation season within the

Magic Valley Ground Water District boundaries. Roughly 15,600 acres would be located in Basin 36 and roughly 2,800 acres in Basin 45. This would result in a curtailment of approximately 311 cfs and cause these growing crops to all be without water and lost. The loss in gross revenue as a result of this curtailment would be approximately \$11 to \$18 million. This estimated loss does not include the loss to suppliers and other businesses or employees that may be affected by the drying up of the approximate 18,400 acres.

5. Magic Valley Ground Water District also has four member cities for mitigation purposes within its boundaries, three of which would suffer some curtailment as a result of the Curtailment Orders. The City of Paul has a total diversion of 5.48 cfs, 3.53 cfs of which will be curtailed. The City of Heyburn diverts 10 cfs, 9.97 cfs of which will be curtailed. The City of Rupert has water rights for a total of 80.58 cfs, 4.98 cfs of which would be curtailed. The total amount of municipal water rights within Magic Ground Water District that would be curtailed by the Curtailment Orders is approximately 18.3 cfs. I am not aware of any other alternate water supply for these cities.

6. 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.

7. 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 springs 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 this 14th day of June, 2007.

Orlo H. Maughan
ORLO H. MAUGHAN

SUBSCRIBED AND SWORN to before me this 14th day of June, 2007.

ELLEN W. STEVENSON
Notary Public
State of Idaho

Ellen W. Stevenson
Notary Public for Idaho
Residing at: Paul, ID
My Commission Expires:

MY COMMISSION EXPIRES
October 17, 2009
BONDED THRU NOTARY PUBLIC UNDERWRITERS