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Attorneys for the Respondents/Defendants

IN THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

BLUE LAKES TROUT FARM,)
INC.,)
)
Petitioner/Plaintiff,)
)
vs.)
)
GARY SPACKMAN, in his official)
capacity as Interim Director of the Idaho)
Department of Water Resources,)
and the IDAHO DEPARTMENT)
OF WATER RESOURCES,)
)
Respondents/Defendants.)
_____)

Case No. CV-WA-2010-19823

**AFFIDAVIT OF ALLAN
H. WYLIE, R.P.G., Ph.D**

6. Since beginning my employment with the Department in 2004, I have been responsible for running ESPAM (version 1.0 and 1.1) for the Director in response to the various delivery calls filed by senior water users, including the delivery calls filed by Blue Lakes Trout Farm, Inc. (“Blue Lakes”) and Clear Springs Foods, Inc. (“Clear Springs”).

7. The Committee chose to calibrate the model to reaches not individual springs. The Director used the model in administration to determine impact to the reach, not to the individual springs.

8. The Committee chose to base the targets for the reaches on the Kjelstrom predictions of annual discharge from the entire Thousand Springs complex and apportion the discharge to reaches based on percentages in the Covington and Weaver maps.

9. The Committee chose to include discharge from selected springs to allow the model to simulate seasonal fluctuations in spring discharge. These data sets were not used to adjust the Kjelstrom or Covington and Weaver values mentioned above.

10. The Clear Lakes Spring was one of the springs chosen by the Committee to provide seasonal information.

11. The Clear Lakes Spring complex is in the Buhl to Thousand Springs reach of ESPAM version 1.1.

12. The dataset provided to the Committee by Terry Huddleston of Clear Springs Food for the Clear Lakes Springs complex did not include all of the spring discharge.

13. When the fact that the Clear Springs Food data set did not include all the discharge from the spring complex was brought to the attention of the Committee, the Committee chose not to recalibrate ESPAM version 1.1 because the Clear Lakes Springs data set

did have seasonal fluctuations. Although the discharge in this applied data set was lower than the total spring complex discharge, it did not impact the total discharge to the reach. This is because the reach discharge is based on Kjelstrom and Covington and Weaver values, not the individual spring targets.

14. Therefore, the issue raised in the Brockway Affidavit regarding the Clear Lakes Springs data set was evaluated by the Committee and has no impact on ESPAM version 1.1's ability to predict to the reach. Accordingly, the modeling results used by the Director are reliable.

DATED this 28 day of October, 2010.

Allan Wylie

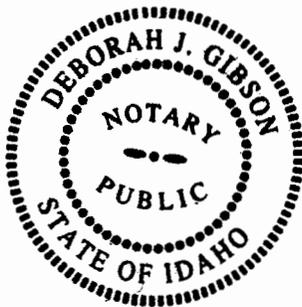
ALLAN H. WYLIE
Idaho Department of Water Resources

SUBSCRIBED AND SWORN TO BEFORE ME this 28th day of October, 2010.

Deborah J. Gibson

NOTARY PUBLIC for Idaho
Residing at: Parma, Idaho
My Commission Expires: 8/10/2015

(s e a l)



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28 day of October, 2010, I caused a true and correct copy of the foregoing AFFIDAVIT OF ALLAN H. WYLIE to be filed with the Court and served on the following parties by the indicated methods:

<p><i>Original to:</i> SRBA Court 253 3rd Ave. North P.O. Box 2707 Twin Falls, ID 83303-2707</p>	<p><input type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email</p>
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