

3. As Manager, my duties include assessing the District's water supply every irrigation season. The Board of Directors reviews the water supply analysis then determines the acre-foot per acre allocation for the year. Based upon carryover storage water from 2006, and predicted storage fill for 2007, on March 14, 2007, the Board voted to allocate 4 acre-feet per acre for water deliveries this year.

4. Milner holds various natural flow and storage water rights to the Snake River, dating from the early 1900's, including the following:¹

Natural Flow Rights:

Water Right No.	01-00009
Priority Date:	April 1, 1939
Diversion Rate:	121 cfs
Water Right No.	01-00017
Priority Date:	November 14, 1916
Diversion Rate:	135 cfs
Water Right No.	01-02050
Priority Date:	October 25, 1939
Diversion Rate:	37 cfs
TOTAL:	293 cfs

Storage Space:

45,687 acre-feet in American Falls Reservoir
44,500 acre-feet in Palisades Reservoir
TOTAL: 90,187 acre-feet of storage space

5. It is my understanding that the Surface Water Coalition, on behalf of Milner, has provided the Director with information and data detailing historical water diversions and crop irrigation requirements on the Milner project. Specifically, the Coalition has made the following filings for purposes of the Director's evaluation:

- a. March 15, 2005 - *Surface Water Coalition's Response to Director's Request for Information*

¹ The following is not an exhaustive list of all claims by Milner in the SRBA. Rather, this information regarding Milner's natural flow and storage rights is taken from the Director's May 2 *Amended Order*.

- b. April 15, 2005 – *Surface Water Coalition’s Supplemental Response to Director’s Information Request*
- c. July 12, 2006 – *Affidavit of Charles E. Brockway in Support of Surface Water Coalition’s Petition for Reconsideration of Third Supplemental Order Amending Replacement Water Requirements Final 2005 & Estimated 2006*
- d. April 13, 2007 – *Surface Water Coalition 2007 Water Supply Assessment*
- e. June 18, 2007 – *Updated SWC 2007 Water Supply Assessment*

6. Pursuant to Milner’s water rights, and as recommended to the SRBA District

Court by the Idaho Department of Water Resources, Milner is authorized to irrigate 13,548 acres.

Based upon assessments and water delivery records, Milner is delivering water to approximately 13,548 acres for the 2007 irrigation season. Cropping patterns for landowners on Milner’s project are approximately the same this year as they were for the past 10 years. With the increase in dairy operations in the area over the past three to five years, Milner has seen an increase in the more consumptive use crop of hay and corn with a possible decrease in potato production.

7. According to Water District 01’s preliminary 2007 storage report, Milner’s storage space will be allocated 79,008 acre-feet this year.

8. Through June 7, 2007, Water District 01 estimates that Milner diverted 5,190 acre-feet under its natural flow water rights. Through that same period, it is estimated that Milner diverted 10,371 acre-feet from its storage water supplies. As of June 19, 2007, it is estimated that Milner has diverted 14,444 acre-feet from its storage water supplies.

9. I have reviewed the *Surface Water Coalition 2007 Water Supply Assessment* (dated April 13, 2007) and the *Updated SWC 2007 Water Supply Assessment* (dated June 18, 2007) (collectively hereinafter referred to as “2007 Supply Assessment”) prepared by Brockway Engineering, Inc. and HDR Engineering, Inc. The 2007 Supply Assessment’s “calculated irrigation requirement” for Milner, based on the first two months of diversions, is tracking

Milner's actual diversions so far this year. Based upon the 2007 Supply Assessment, temperatures are forecasted to be higher than normal throughout the irrigation season and precipitation is forecasted to be lower than normal throughout the irrigation season.

10. Based upon my observations on the Milner project through this date, temperatures have been higher than normal and we have witnessed very little precipitation. Accordingly, water demand for the landowners' crops on the Milner project is high. See Exhibit A. Based upon my experience and in reviewing Milner's historical monthly and annual diversion records from 1977-2006, this year (2007) is tracking 1988 in observed diversions.

11. In my opinion, I would estimate that Milner's monthly diversions through the rest of the 2007 irrigation season, if temperatures and demand remain high, and precipitation remains low, will closely track the diversions made in 1988. In my opinion, I am currently estimating that Milner will have between 16,500 acre-feet and 20,000 acre-feet in carryover at the end of the irrigation season.

12. Milner's monthly and annual diversions in 1988 (66,535 acre-feet) closely resemble monthly and annual diversions made in 2001 (64,453 acre-feet). These diversions include water that was wheeled for lands outside of Milner's boundaries. Water District 01 estimates that available natural flow within the district in 2007 will most closely resemble the water supply that was available in 2001. Based upon my experience and observations so far this year, climatic conditions and available water supply in 2007 will be similar to the hot and dry conditions witnessed in 1988 and 2001.

13. I am very concerned about the overall storage water supplies in Water District 01 this year, including the amount of water that will be used due to high irrigation demand throughout the basin. If the reservoir system carryover is low at the end of this season, which it

appears it will be, and the winter precipitation is lower than normal, it is likely that Milner's storage water supplies will not fill in 2008. The multi-year stress on the reservoir system resulting from below average water conditions will more than likely impact Milner's available water supplies for 2008.

FURTHER, YOUR AFFIANT SAYETH NOUGHT.

Dated this 21st day of June, 2007.

Walt O. Mullins
Walt Mullins

SUBSCRIBED & SWORN to before me this 21st day of June, 2007



Amber Christensen
Notary Public in and for the State of Idaho
My Commission Expires: 7-28-2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of June, 2007, I caused to be served a true and correct copy of the foregoing AFFIDAVIT OF WALT MULLINS by the method indicated below, and addressed to each of the following:

Via Email and U.S. Mail:

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Travis L. Thompson

EXHIBIT "A"

Milner Irrigation District Monthly & Annual Diversions 1977-2007

Year	APR	MAY	JUN	JUL	AUG	SEP	OCT	Annual totals
2007	2087	12178	4291					18556
2006	298	9439	12161	15194	11145	5381	1630	55248
2005		1054	11386	14684	11389	7140	1523	47176
2004	2623	9776	10322	9759	✓7872	4180	1413	45945
2003	242	9501	15995	15608	11363	5931	2291	60931
2002	623	10461	14186	15890	12452	6841	1749	62202
2001	1246	13141	15122	14714	12324	6029	1877	64453
2000	3140	12320	15745	16257	12256	5728	2023	67469
1999	268	6278	11816	16461	12403	5764	2003	54993
1998	1829	4124	10249	17072	13700	5597	1262	53833
1997	1158	12853	12318	15128	11373	5094	1539	59463
1996	1162	9307	13287	16098	11605	5028	2682	59169
1995	776	6617	7111	15951	12560	6006	1706	50727
1994		1728	10144	14761	15570	11976	5104	59283
1993								0
1992	4342	13865	11635	11935	11760	5012	0	58549
1991	470	6282	12167	17014	13652	5578	1630	56793
1990	3283	11683	11413	16507	13839	5883	2053	64661
1989	1277	12294	12312	15027	11857	5667	793	59227
1988	2081	12694	13349	16215	13623	5869	2704	66535
1987	5344	13095	13049	13583	12849	5403	1743	65066
1986	2458	11730	12022	15273	12946	4768	1012	60209
1985	270	12212	14567	16915	13101	5181	0	62246
1984	99	6567	11252	14726	11461	5514	1964	51583
1983	520	9197	14862	14440	✓5246	6494	563	51322
1982	282	11687	12605	15842	12831	6189	0	59436
1981	1045	1265	3667	18389	15957	7303	1991	49617
1980	2616	12050	8267	17007	13434	5215	2315	60904
1979	1262	14202	16534	19785	14827	7408	2541	76559
1978		10860	13496	15523	13698	2612	992	57181
1977	4610	9501	10475	14878	11514	5536		56514

As of June 12, 2007

Possible Carry over 16,458
 under Current Conditions 70,000 Ac Ft