

A. Dean Tranmer I.B. # 2793
City of Pocatello
P. O. Box 4169
Pocatello, ID 83201
(208) 234-6149
(208) 234-6297 (Fax)
dtranmer@pocatello.us

Sarah A. Klahn, #7928
Kelly L. Snodgrass
White & Jankowski, LLP
511 Sixteenth Street, Suite 500
Denver, Colorado 80202
(303) 595-9441
(303) 825-5632 (Fax)
sarahk@white-jankowski.com

ATTORNEYS FOR THE CITY OF
POCATELLO

Randall C. Budge I.B. #1949
Candice M. McHugh, I.B. #5809
Racine, Olson, Nye, Budge & Bailey,
Chartered
101 S Capitol Blvd., Ste. 208
Boise, ID 83702
(208) 395-0011
cmm@racinelaw.net
rcb@racinelaw.net

ATTORNEYS FOR IDAHO GROUND
WATER APPROPRIATORS

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

In the Matter of The Petition) DOCKET NO. 37-03-11-1
for Delivery Call of A&B)
Irrigation district for the) AFFIDAVIT OF GREGORY K. SULLIVAN
Delivery of Ground Water and)
for the Creation of a Ground)
Water Management Area)

GREGORY K. SULLIVAN, being first duly sworn under oath does state and depose as follows:

1. I have been retained as an expert by the City of Pocatello in this matter.
2. I disclosed expert reports in support of Pocatello's positions in this matter on July 16, 2008 (corrected on July 23, 2008), August 27, 2008, and September 16, 2008.
3. I was deposed regarding these reports and my opinions in this case on September 18, 2008.
4. A&B's Water Right No. 36-2080 was partially decreed in the Snake River Basin Adjudication with a maximum rate of 1,100 cfs for irrigation of 62,604.3 acres. This

converts to a unit rate of 0.1757 cfs per acre. Using the Idaho conversion rate of 50 miners inch per cfs, this maximum unit rate is equivalent to approximately 0.88 miner's inches per acre.

5. Just as in the SWC case, at times A&B may divert water in excess of the amounts required to serve its crops, up to its decreed amount. This does not, however, mean A&B water users are being injured if the decreed amount is not supplied, because the amount required for crops during the peak of the season is less than the decreed amount.
6. A farm delivery rate of 0.65 miner's inches per acre is sufficient for A&B users to meet their peak water requirements.
7. While A&B may at times be able to beneficially use diversions of 0.88 miner's inches per acre, a farm delivery rate of 0.65 miner's inches per acre is sufficient for A&B users to meet their peak water requirements.
8. The Director should not administer junior ground water users for the benefit A&B so long as A&B is able to deliver 0.65 miner's inches per acre on a project-wide average basis.

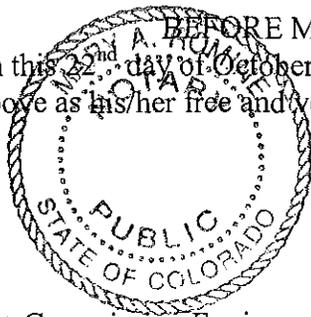
FURTHER AFFIANT SAYETH NAUGHT.

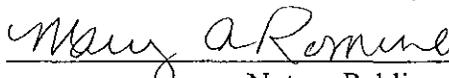


 Gregory K. Sullivan, P.E.

STATE OF COLORADO)
) ss.
 COUNTY OF DENVER)

BEFORE ME, the undersigned, a Notary Public, in and for said County and State on this 22nd day of October, 2008, personally appeared Gregory K. Sullivan, who executed the above as his/her free and voluntary act.





 Notary Public
 511 16th St
 Denver CO 80202

My Commission Expires: 2/18/09

CERTIFICATE OF SERVICE

I hereby certify that on this 22ND day of October, 2008, a copy of **Affidavit of Gregory K. Sullivan** in the **Petition for Delivery Call of A&B Irrigation District** was served to the following:



 Sarah A. Klahn, White & Jankowski, LLP

By Hand Delivery:

Idaho Department of Water Resources
c/o Victoria Wigle
322 E. Front St.
Boise, ID 83702

Hon. Gerald F. Schroeder (Hearing Officer)
Home address via Federal Express

Via email and U.S. mail:

John K. Simpson
Travis L. Thompson
Paul L. Arrington
BARKER ROSHOLT & SIMPSON LLPC
113 Main Avenue West, Suite 303
PO Box 485
Twin Falls, ID 83303-0485
jks@idahowaters.com
tlt@idahowaters.com
pka@idahowaters.com

Roger D. Ling
Attorney at Law
PO Box 396
Rupert, ID 83350
rdl@lawfirm.com