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JAN 23 2006

DEPARTMENT OF
WATER RESOURCES

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8 Idaho State Bar #1890
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10 **IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE**
11 **STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

12 In Re: SRBA) A. Subcase 45-81B
13)
14 Case No. 39576) AFFIDAVIT IN SUPPORT
15) OF MOTION TO SET ASIDE
16) PARTIAL DECREE

17 R.C. STONE, having been first duly sworn, deposes and states:

18 1. Claimant has 18 subcases relating to property in Cassia County.

19 2. The various Preliminary Recommendations from IDWR were served at
20 or about the same time as relates to these various subcases. I received the
21 Preliminary Recommendation in the above subcase and filed a Notice of Error Reply.

22 3. After the Notice of Error Reply was filed, I did not receive and was
23 unaware of a Director's recommendation in this subcase. I did not receive and was
24 unaware of a partial decree prior to the hearing on the motions to amend heard by the
25 Special Master.
26

1 4. Managing these multiple subcases, and negotiations with the
2 Department of Water Resources, have always treated all of the subcases as a
3 combined unit.

4 5. I did receive Director's Recommendations on 16 of the 18 subcases and
5 filed objections. The objections were scheduled for an initial hearing.

6 6. At the initial hearing, it was determined it would be appropriate to do
7 additional negotiation with the Department of Water Resources to clear up
8 inconsistencies in the various subcases, many of which related to duplicate claims
9 against the same real property, including Subcase 45-80B.

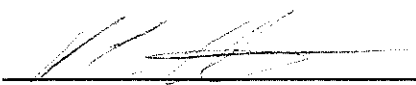
10 7. Following the initial hearings, we did enter in to a negotiation with
11 Jeannie Robertson and resolved the various issues, including the issues relating to
12 the Subcase 45-80B. It was agreed we would file motions to amend all of the claims,
13 including 45-80B, which we promptly did.

14 8. We were unaware that a partial decree had entered, believing that the
15 above subcase continued to be part of the group of Manning Ranches, Inc. claims
16 involved in the negotiation.

17 9. It is important that the claim in the above subcase be amended to be
18 consistent with the other claims of Manning Ranches, Inc.

19 DATED this 20 day of January, 2006.

20 PARSONS, SMITH & STONE, LLP

21 
22 R.C. Stone
23 Attorneys for Claimant
24 137 West 13th Street
25 P.O. Box 910
26 Burley, ID 83318

CERTIFICATE OF MAILING

I certify that on the 10 day of January, 2006, I served a true and exact copy of the foregoing Affidavit in Support of Motion to Set Aside Partial Decree, including all attachments, if any, to the following in the manner noted:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83301

☒ Via First Class U.S. mail
☐ Via Facsimile
☐ Via Overnight Carrier
☐ Via Hand Delivery

Copies to:

Tim Payton, President
Represented by: Travis L. Thompson
113 Main Avenue West, Ste 303
Twin Falls, ID 83301-6167

☒ Via First Class U.S. mail
☐ Via Facsimile
☐ Via Overnight Carrier
☐ Via Hand Delivery

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

☒ Via First Class U.S. mail
☐ Via Facsimile
☐ Via Overnight Carrier
☐ Via Hand Delivery

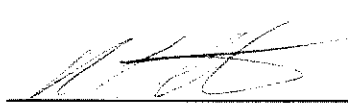
United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street MSC 033
Boise, ID 83724

☒ Via First Class U.S. mail
☐ Via Facsimile
☐ Via Overnight Carrier
☐ Via Hand Delivery

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

☒ Via First Class U.S. mail
☐ Via Facsimile
☐ Via Overnight Carrier
☐ Via Hand Delivery

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