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Attorneys for Objectors

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA)
Case No. 39576) Subcase Nos.: 21- 00028
)
) AFFIDAVIT OF
) Thomas C. Brown
)
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STATE OF IDAHO)
) ss.
County of Madison)

Thomas C. Brown, having been duly sworn, states under oath as follows:

1. I am a resident of Fremont County, Idaho.
2. I am the current owner of Water Right No. 21-0028, which I divert from Curr Ditch, which in turn diverts from the Fall River.
3. Curr Ditch is a lateral ditch and an unincorporated association of water right users that function similarly to an Lateral Ditch Association but without the legal association. Therefore, each water user owns his/her own water rights and only works with the other water users on the Curr ditch in order to provide the necessary use of the ditch to adequately water

each individual's lands.

4. I certify that I purchased Water Right No. 21-0028 from my mother Neva Brown before she passed away approximately 12 years ago. However, I never did have the water right changed into my name. During the claim phase of the Snake River Basin Adjudication, I had received the preliminary notice of the Director's recommendation because it was put in my P.O. Box by the post office even though it was addressed to my mother. I reviewed it and discovered that it did not have my full 80 acres as authorized place of use. I made comments on the Notice of Error and sent it back to the IDWR. I never did receive a reply or any other documentation from IDWR from that point until now. I had no notice of the Director's report nor the date I was to file a formal objection. In fact, I had assumed that I already filed my objection when I sent my "notice of error" back to the department.

5. Unfortunately, following the May objection deadline date, the typical and historical diversions took place in the Curr ditch and like the other users in the ditch, I began my historical diversions from the ditch onto my lands.

6. To my astonishment, I was informed by one of the water users on the Curr Ditch that I was watering lands which were not recommended by IDWR.

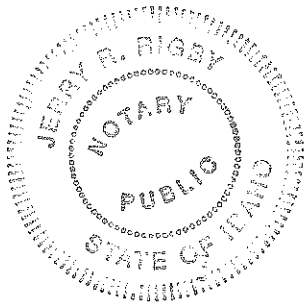
7. In the interest of justice, I respectfully request that the above entitled court allow me to file a late objection in order that I be granted the right to prove that my water rights' place of use should not be reduced from those claimed. I desired nothing more than to have my historical water rights kept in tact.

Dated this 8th day of August, 2006.



By: Thomas C. Brown

SUBSCRIBED AND SWORN to before me this 8th day of August, 2006.





Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires: 11-09-11