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DEPARTMENT OF
WATER RESOURCES

FRITZ X. HAEMMERLE
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ISB # 3862

Attorney for the Claimants, Dean and Julie Beaudet

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 No. 37-1201A

)

) AFFIDAVIT OF FRITZ X. HAEMMERLE
) IN SUPPORT OF MOTION TO FILE
) LATE OBECTION

)

)

)

)

STATE OF IDAHO,)

) ss.

County of Blaine.)

FRITZ X. HAEMMERLE, being sworn upon oath, deposes and states as follows:

1. I am an attorney duly licensed to practice law in the State of Idaho. I represent the aforementioned Claimants, Dean and Julie Beaudet. I make the averments contained herein of my own personal knowledge and would testify to the facts as presented herein if called upon to do so.

2. Before August 2009, the Claimants were representing themselves *pro se*. They were not fully aware of the process, and they were still investigating the reasons for the Director's Report recommendation that this right was forfeited and/or abandoned.

AFFIDAVIT OF FRITZ X. HAEMMERLE IN SUPPORT
MOTION TO SET ASIDE PATIAL DECREES AND MOTION TO AMEND CLAIMS - 1

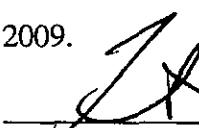
The Director's Report states that the reason the water rights were recommended as forfeited and/or abandoned was that there was nonuse between 1982 and 1987. Mr. Beaudet recently contacted the owner of the property during that time period. The owner, Don Schwenk, advised that the property was irrigated between 1982 and 1987.

3. The claimants did not intentionally or recklessly, or with the intent to delay or harass, fail to file their Objection during the original objection period. They simply have obtained evidence that the Director's Report is erroneous, and they wish to pursue their claim.

4. Based on these reasons, I believe there is good cause to allow this late objection.

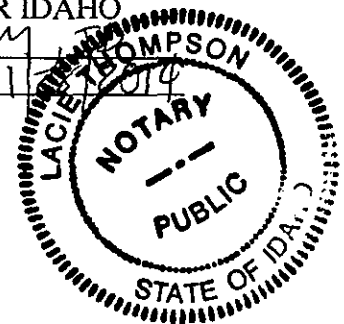
FURTHER YOUR AFFILIANT SAYETH NOT.

DATED this 9 day of September 2009.


FRITZ X. HAEMMERLE

SUBSCRIBED AND SWORN to before me this 9th day of September 2009.


NOTARY PUBLIC FOR IDAHO
Residing at: Hailey
Commission expires: 11/1/2014



CERTIFICATE OF MAILING

I certify that on 7 day of September, 2009, I mailed the original and copies of this response, including all attachments, postage prepaid, to the following persons:

1. Original to:

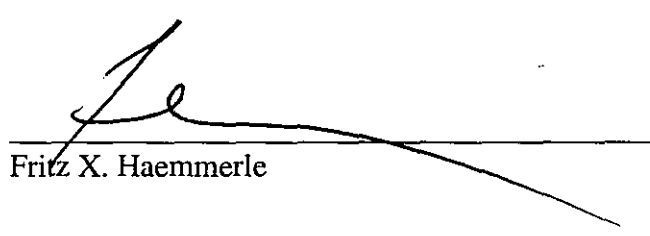
Clerk of the District Court
Snake River Basin Adjudication
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Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Fritz X. Haemmerle