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Attorneys for John E. & Ruth C. Burns, George Matejko, Rick & Linda Rice, Robert M. & Jacqueline D. Ernest, William W. Clementz, and James R. & Rowena D. Quinn

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.: See Exhibit A.

**AFFIDAVIT OF ROBERT L. HARRIS IN
SUPPORT OF MOTION TO
WITHDRAW AS ATTORNEY OF
RECORD**

STATE OF IDAHO)
)ss.
County of Bonneville)

Robert L. Harris, being first duly sworn upon oath, deposes and says:

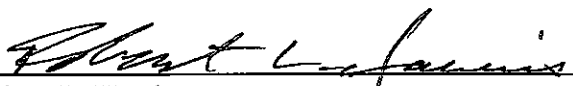
1. That I am a member of the law firm of Holden, Kidwell, Hahn & Crapo, P.L.L.C., Idaho Falls, Idaho. This affidavit is made from personal knowledge concerning the matters stated, except to the extent of any allegations made upon information and belief.
2. In February of 2010, I had an initial client meeting with John Burns and George Matejko to discuss potential representation of them in the Snake River Basin Adjudication, along with

other water users generally located on the south side of Carmen Creek, near Salmon, Idaho. (hereinafter the "South Side Users"). After agreeing to represent the South Side Users, Mr. Burns and Mr. Matejko indicated that my point of contact was to be with Mr. Burns, as he was the individual most familiar with the circumstances regarding the recommendation of certain water rights from Carmen Creek that were in dispute.

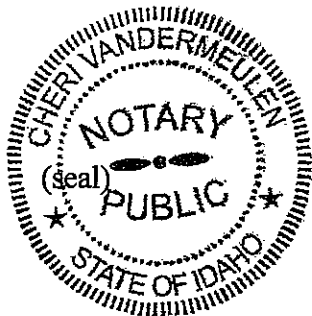
3. Consistent with my discussions with Mr. Burns, we filed objections to the water rights attached hereto as Exhibit A. Essentially, the objections stemmed from a change of position by the Idaho Department of Water Resources regarding the decree of the so-called "exchange rights" from Carmen Creek.
4. After filing objections to the water rights attached as Exhibit A, I then filed a procedural motion with the SRBA Court requesting that the matter be remanded to the Idaho Department of Water Resources for an injury analysis pursuant to Idaho Code § 14-1425(2)(a).
5. A few weeks prior to submitting the Motion to Remand, Mr. Burns indicated that the attorneys fees associated with my representation were creating a financial strain upon the South Side Users, and that it was likely they would eventually proceed, at some point in the next few months, representing themselves *pro se*.
6. The *Motion to Remand Subcases to the Director of IDWR for Injury Analysis Pursuant to Idaho Code § 42-1425(2)(a)* was filed on May 11, 2010. A response in opposition to the motion was filed by water users generally known as the "Fols Group" on May 27, 2010.
7. On June 1, 2010, I served by email to the Fols Group's counsel, Travis L. Thompson of Barker Rosholt & Simpson, a reply brief, which brief was also received by the SRBA Court on June 2, 2010.
8. The hearing on the Motion for Remand was held on June 3, 2010. Eventually an *Order Denying Motion to Remand Subcases* was entered on June 11, 2010.
9. After the Court's *Order Denying Motion to Remand Subcases* was entered, I was contacted by Mr. Burns on June 14, 2010, regarding his and the other South Side Users' decision to formally proceed *pro se*. We discussed the logistics of doing so, and also discussed his intent to file a motion for reconsideration of the *Order Denying Motion to Remand Subcases*.

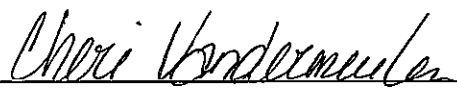
10. Later that day on June 14, 2010, I was also contacted by Mr. George Matejko, one of the South Side Users, who indicated that he was not satisfied with the legal representation provided by myself and Holden, Kidwell, Hahn & Crapo, PLLC.
11. Under these circumstances, I cannot effectively represent the South Side Users. Additionally, Mr. Burns, as the point of contact for the South Side Users, desires to proceed in this matter with the South Side Users representing themselves. Therefore, under the circumstances, it would be best if I was allowed by the Court to withdraw as counsel for the South Side Users, which would allow them to proceed to trial on the above subcases *pro se*.

DATED this 15th day of June, 2010.


Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

SUBSCRIBED and sworn to before me this 15th day of June, 2010.




Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: July 7, 2015

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of June, 2010, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707
2. Copies to:
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449
United States Department of Justice
Environmental and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724
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George Matejko
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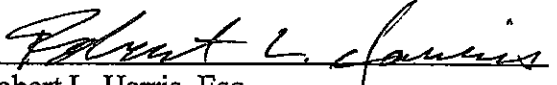
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Paul L. Arrington
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G:\WPDATA\RLH\15693 Burns, John\Motion, Withdraw, Aff.wpd