

12-15

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DEPARTMENT OF
WATER RESOURCES

**FRITZ X. HAEMMERLE
HAEMMERLE & HAEMMERLE, P.L.L.C.
400 South Main St., Suite 102
P.O. Box 1800
Hailey, ID 83333
tel: (208) 578-0520
FAX: (208) 578-0564
ISB # 3862**

Attorney for the Claimants

**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	) Subcase No. 37-11828 and 37-7767
	)
Case No. 39576	) AFFIDAVIT OF FRITZ X. HAEMMERLE
	) IN SUPPORT OF MOTION TO FILE
	) LATE OBJECTION
	)
	)
	)
	)

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 Claimant, the Flying Heart Ranch II Subdivision Owners Assn. I am over the age of eighteen (18), and 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.

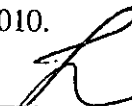
2. The deadline to file an Objection to these rights was November 29, 2001, which was immediately following Thanksgiving Vacation. The deadline was missed

because of my effort to get caught up following this family vacation. Immediately after Thanksgiving, I had several depositions and two summary judgment Motions to prepare for in District Court. This Motion to File Late Objection is not intended to delay, harass or annoy.

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

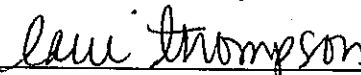
FURTHER YOUR AFFIANT SAYETH NOT.

DATED this 13 day of December 13, 2010.

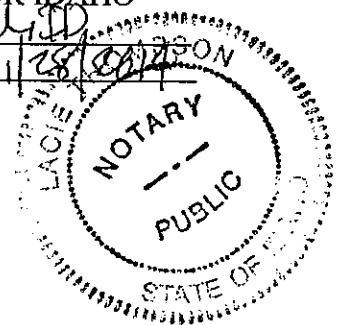


FRITZ X. HAEMMERLE

SUBSCRIBED AND SWORN to before me this 13th day of December 2010.



NOTARY PUBLIC FOR IDAHO
Residing at: Bellevue, ID
Commission expires: 1/28/2012



CERTIFICATE OF MAILING

I certify that on December 13, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Flying Heart Ranch II Subdivision Owners Assn:
P.O. Box 1800
Hailey, ID 83333

3. Copies to:

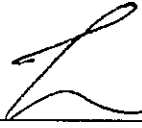
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Tom O'Gara et al.
Concerned water Users
c/o Albert P. Barker
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701

Big Wood Canal Co.
c/o Craig Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Fritz X. Haemmerle