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DEPARTMENT OF
WATER RESOURCES

Patrick D. Brown, ISB #4413
HUTCHINSON & BROWN, LLP
104 Lincoln St., P.O. Box 207
Twin Falls ID 83303-0207
Telephone: (208) 733-9300
Attorneys for **Claimant City of Hailey**

IN THE DISTRICT COURT OF THE 5th JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase Nos. 37-00906
	)	
Case No. 39576	)	AFFIDAVIT OF PATRICK D. BROWN
	)	SUPPORTING MOTION TO FILE
	)	LATE OBJECTION
	)	
	)	

STATE OF IDAHO)
 { ss.
County of Twin Falls)

PATRICK D. BROWN, being first duly sworn on oath, deposes and states the following:

1. I am counsel for Claimant City of Hailey In this matter.
2. I make the following and foregoing statements in this affidavit based on my personal knowledge. To the extent I state my personal beliefs, they are based on personal knowledge and experience. I am otherwise competent to give the testimony set forth in this affidavit.

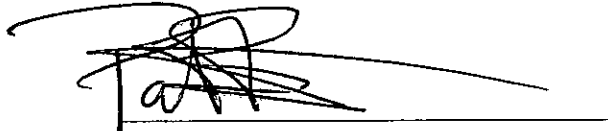
3. All of the information herein is true and correct to the best of my knowledge, information and belief; where based on information and belief, I believe the same to be true and correct.

4. For some reason this counsel has been unable to ascertain, counsel has not been receiving notice or copies of documents filed in the subcase. This has been an ongoing problem, which counsel believed was corrected by the September 21, 2009, filing of NOTICE OF APPEARANCE. Counsel's name continues to appear on the certificate of mailing of both the Court and IDWR, and counsel has discussed the matter with Mr. Bromley, counsel for IDWR.

5. Nevertheless, I did not receive the Amended Director's Report dated November 29, 2010. I learned of it through Mr. Haemmerle in late December and timely prepared and filed the Objection which is being submitted contemporaneously with the Motion and this Affidavit.

6. I am unaware of how any party could be prejudiced by allowing the filing of the Objection.

7. In the event the Court is unwilling to accept the Objection, I respectfully submit that the Amended Director's Report, which was filed about a month after required by the Special Master's Order dated September 10, 2010, should be stricken so that the parties may proceed under the original pleadings.


Patrick D. Brown

SUBSCRIBED and SWORN to before me this 3rd day of January, 2011.

Connie Bell
NOTARY PUBLIC
Residence: Twin Falls
My Commission Expires: 11-24-12

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 3rd day of January, 2011, (s)he served the original and true and correct copies of this document, including all attachments, to the following by depositing a copy thereof in the United States mail, postage prepaid, addressed to:

Original to:
Clerk of District Court
SNAKE RIVER BASIN ADJUDICATION
253 3rd Ave. N.
P.O. Box 2707
Twin Falls ID 83303-2707

Copies to:
Craig Hobdey
HOBDEY LAW OFFICE
125 5th Ave. W.
P.O. Box 176
Gooding ID 83330-0176
(for Big Wood Canal Co.)

934-4429; fax 934-4420

Fritz Haemmerle
HAEMMERLE & HAEMMERLE
400 S. Main, Ste. 102
P.O. Box 1800
Hailey ID 83333
(for Hiawatha Canal Water Users)

578-0520

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

Chief, Natural Resources Div.
IDAHO ATTORNEY GENERAL
P.O. Box 44449
Boise ID 83711-4449

Environment & Natural Resource Div.
U.S. DEPT. OF JUSTICE
550 W. Fort St., MSC 033
Boise ID 83724

CITY OF HAILEY
115 Main St. S., Ste. H
Hailey ID 83333