

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

RECEIVED  
JUL 31 2009  
DEPARTMENT OF  
WATER RESOURCES

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

Case No. 39576

) Subcase No. 37-2124  
)  
) AFFIDAVIT OF FRITZ X. HAEMMERLE  
) IN SUPPORT OF MOTION TO FILE  
) LATE CLAIM  
)  
)  
)  
)

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 Bonnie C. Kevicki, the Personal Representative of the Estate of Catherine Sweat. 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 reason this claim is being filed late is that there was confusion between the pro se claimant, Catherine L. Sweat, and the Idaho Department of Water Resources. The claimant filed timely claims on other many other rights; however, again,

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

there was some confusion between the claimant and IDWR with respect to this particular right.

3. On or about the time the Director's Report for Basin 37 was filed, the claimant died. Thereafter, the surviving members of the estate were trying to identify loose ends to the estate. One of the loose ends was filing a claim for this particular water right, which is based on a license, with a priority date of 1909. According to surviving members of the family, this rights has been used since the license was issued.

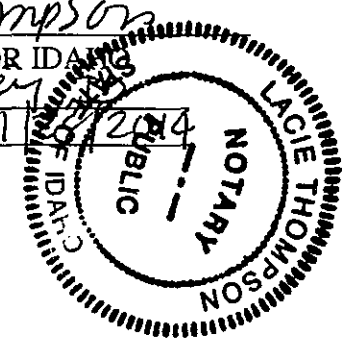
4. Based on these reason, I believe there is good cause to allow this late claim.

FURTHER YOUR AFFLIANT SAYETH NOT.

DATED this 29<sup>th</sup> day of July 2009.

  
FRITZ X. HAEMMERLE

SUBSCRIBED AND SWORN to before me this 29<sup>th</sup> day of July 2009.

  
NOTARY PUBLIC FOR IDAHO  
Residing at: Harley  
Commission expires: 1/6/2014  


## CERTIFICATE OF MAILING

I certify that on 27<sup>th</sup> day of Jul, 2008, 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  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

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

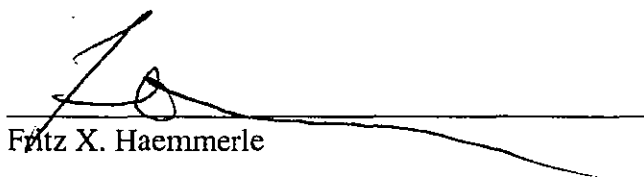
Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding

Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

  
Fritz X. Haemmerle