

3-17

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

LOIS J. SCHIFFER
Acting Assistant Attorney General
Environment and Natural Resources Division

MICHAEL A. GHELETA
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication of)
Rights to the Use of Water from)
the Snake River Basin Water System)

Case No. 39576

Subcase Nos.:

The State of Idaho, ex rel.)
R. Keith Higginson in his official)
capacity as director of the Idaho)
Department of Water Resources,)

36-15450
36-00030
36-00104A
36-00104B
36-00043A
36-00084
36-00012

Petitioner,)
)
)

vs.)
)
)

the United States; the State of)
Idaho; and all claimants to the)
use of water from the Snake River)
Basin Water System,)

Defendants.)
)
)

AFFIDAVIT OF
MICHAEL A. GHELETA

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The United States of America,	)
	)
Petitioner,	)
	)
vs.	)
	)
The Idaho Department of Water	)
Resources; Flying Triangle, Inc.;	)
William Brailsford; Fred L.	)
Mavencamp; V. John Mavencamp;	)
Ronnie D. Smith; Sharlene Smith;	)
Nevada Omohundro; Joan Wise; and	)
Shelby Wise,	)
	)
Defendants.	)

I, Michael A. Gheleta, an attorney for the United States Department of Justice, Environment and Natural Resources Division, hereby declare that pursuant to Idaho Rules of Civil Procedure, Rule 65(b), I made the following efforts to give notice of the hearing scheduled for 8:30 a.m. on Friday, March 18, 1994 on the Motion for Temporary Restraining Order or Temporary Injunction:

1. By telephoning Lynn Krough of the Idaho Attorney General's office on March 16 and 17, 1994 and informing her of the hearing place and time, and indicating that pleadings associated with the hearing would be faxed on March 17, 1994.
2. By telephoning Pat Brown and John Lezamiz, attorneys representing Fred L. Mavencamp; V. John Mavencamp; Joan Wise and Shelby Wise, on March 16 and 17, 1994 and informing them of the hearing place and time, and indicating that pleadings associated with the hearing would be faxed on March 17, 1994.
3. By telephoning the Law firm of Rosholt, Robertson & Tucker, attorneys representing the Flying Triangle, Inc. and William Brailsford on March 17, 1994 at 11:54 a.m., and upon being informed that they were out of the office, informing Michelle Hubert of the hearing place

AFFIDAVIT OF MICHAEL A. GHELETA

and time, and indicating that pleadings associated with the hearing would be faxed on March 17, 1994.

4. By telephoning Nevada Omohundro at (208) 837-4497 at 1:15 p.m. on March 17, 1994 and informing her of the hearing place and time, and indicating that pleadings associated with the hearing would be personally delivered to her this afternoon at her residence. Ms. Omohundro indicated that if she was not at her residence the pleadings could be left in a vehicle in the driveway of the residence.

5. By telephoning Sharlene Smith at (208) 837-4790 at 1:25 p.m. on March 17, 1994 and informing her of the hearing place and time, and indicating that pleadings associated with the hearing would be personally delivered to her this afternoon at her residence. Ms. Smith indicated that she expected to be home the entire afternoon and would be able to receive the pleadings.

6. By personal service on Nevada Omohundro and Sharlene Smith as indicated by the attached Affidavits of Service verified by Beatrice Martindale, Hagerman National Fish Hatchery.

DATED this 17 day of March, 1994.

Respectfully submitted,



MICHAEL A. GHELETA,
Attorney, U.S. Department
of Justice
Environment and Natural
Resources Division
General Litigation Section