

Party's Name:
William Taylor

Attorneys' Names and Address
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MAY 0 1 1995

Department of Water Resources
Adjudication Bureau

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 Nos. 36-00134A
36-00135B

**AFFIDAVIT OF
MICHAEL C. CREAMER**

STATE OF IDAHO)
: ss.
COUNTY OF BONNEVILLE)

Michael C. Creamer, being first duly sworn upon oath, deposes and states
as follows:

1. I am one of the attorneys representing Mr. William Taylor, who is the
Petitioner for intervention in the above-captioned subcases now pending in the
SRBA before Special Master Dolan. My firm also represents numerous other water
right claimants in the SRBA with claims to groundwater diverted from the
Eastern Snake Plain Aquifer.

2. In the course of my representation of various ground water users,
including Mr. Taylor, I and other attorneys in my firm have monitored the

progress of issues in the SRBA that could affect their interests and ability to divert water under their water rights. As a result, I have become aware of, and reviewed numerous objections filed by water right claimants in the Hagerman Valley regarding the Idaho Department of Water Resources' ("Department") recommendations of claims in the Basin 36 Director's Report.

3. In December, 1994, after the Court's stay of SRBA proceedings had been lifted, I appeared before Special Master Dolan on behalf of the Idaho Ground Water Appropriators, Inc. ("IGWA") and argued in support of IGWA's then pending Motion and Supporting Memorandum for the Establishment of a Framework for the Orderly Resolution of Issues Raised by Objections to the Directors Report in Basin 36. IGWA's purpose in filing that motion was to request a procedure or framework for addressing the numerous legal issues that had been raised by the standard set of objections used by many Hagerman Valley claimants ("Hagerman Objections"). IGWA's motion was stricken by the Special Master on the ground that IGWA was not then a party to any subcase in Basin 36.

4. In March, 1995, I learned from discussions with counsel for the Department that two subcases involving claims filed by Walter and Margaret Candy were being considered by the Candys and the Department for advancement as possible test cases to litigate various legal issues raised by the Hagerman Objections.

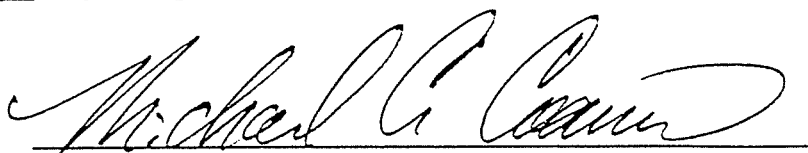
5. I have subsequently obtained and reviewed the Department's files regarding the Candy subcases, including discovery requests propounded by the Candys, and the Department's responses thereto. On April 4, 5 and 6, 1995, I

attended the depositions of Department personnel noticed by the Candys. The files, and discovery I have reviewed indicate that the Candy subcases are representative of many of the Hagerman Objections.

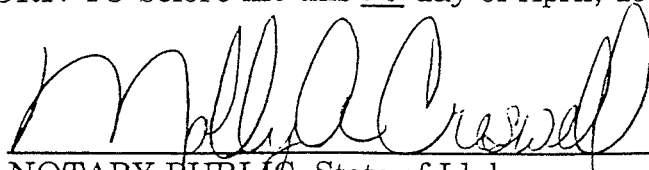
6. The legal issues raised by these subcases are of particular interest to Mr. Taylor, and similarly situated ground water users, because how they are resolved could significantly impact Mr. Taylor's future ability to exercise his water rights. The issues raised by the Hagerman Objections are summarized in the Memorandum in Support of Mr. Taylor's Motion to Participate. The reasons for Mr. Taylor's concern with those issues are set forth in his Affidavit which is being filed contemporaneously herewith.

7. Advancement of the Candy subcases, and perhaps a select few other Hagerman subcases, for determination of the legal issues they raise, should expedite all of those subcases to which uniform objections were filed, and would minimize the legal costs to all parties involved by allowing those legal issues to be brought forward and determined as Basin Wide Issues, on summary judgment or otherwise. The outcome would then serve as a guide to settlement in many of the remaining subcases. This potentially could minimize objections and resulting litigation in other subbasins. This would be of substantial benefit to Mr. Taylor and other similarly situated ground water users.

DATED this 28th day of April, 1995.


MICHAEL C. CREAMER

SUBSCRIBED AND SWORN TO before me this 28th day of April, 1995.

A handwritten signature in dark ink, appearing to read "Michael C. Creamer", written over a horizontal line.

NOTARY PUBLIC, State of Idaho

Residing at Boise

Commission Expires: 9-24-99

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of April, 1995, a true and correct copy of the within and foregoing instrument was served via the method noted below:

R. Lee Leininger
The United States Department of Justice
550 West Fort Street, Box 33
Boise, ID 83734

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