

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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

PETER C. MONSON
Attorney, Department of Justice
Indian Resources Section
Environment and Natural Resources Division

DARIA J. ZANE
R. LEE LEININGER
Attorneys, Department of Justice
General Litigation Section
Environment and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 272-8351, (202) 272-4692

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 Nos. Listed Below
	)	
Case No. 39576	)	UNITED STATES'
	)	NOTICE OF SERVICE
	)	OF SUBPOENA

Subcase Nos.:

34-13084	34-13184	34-13237
34-13085	34-13186	34-13241
34-13086	34-13187	34-13243
34-13087	34-13188	34-13246
34-13088	34-13189	34-13253
34-13090	34-13190	34-13257
34-13091	34-13191	34-13258
34-13095	34-13192	34-13261
34-13100	34-13194	34-13262
34-13114	34-13195	34-13266
34-13145	34-13196	34-13267
34-13146	34-13197	34-13269
34-13147	34-13200	34-13271
34-13148	34-13201	34-13272

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Department of Water Resources

34-13154	34-13202	34-13273
34-13155	34-13203	34-13274
34-13157	34-13204	34-13275
34-13161	34-13205	34-13280
34-13162	34-13206	34-13281
34-13163	34-13207	34-13282
34-13164	34-13208	34-13283
34-13166	34-13209	34-13285
34-13169	34-13210	34-13286
34-13171	34-13211	34-13287
34-13172	34-13214	34-13288
34-13174	34-13215	34-13289
34-13175	34-13220	34-13290
34-13176	34-13223	34-13291
34-13178	34-13228	34-13296
34-13179	34-13228A	34-13298
34-13180	34-13229	34-13337
34-13181	34-13230	34-13338
34-13182	34-13231	34-13339
34-13183	34-13235	34-07232

Affidavit

I, R. Lee Leininger, aver the following:

1. I am an attorney with the United States Department of Justice and represent the United States as a party in the Snake River Basin Adjudication.
2. I served Mr. Thomas Coates with a subpoena issued by the SRBA Court to compel his deposition testimony for the above referenced subcases in Basin 34. Service of the subpoena was conducted on the morning of April 19, 1995 at approximately 9:30 a.m. in the court room of the SRBA in Twin Falls. The subpoena was hand-delivered to Mr. Coates and accepted by Mr. Coates.
3. The subcases referenced in the subpoena relate to claims for de minimis stockwater filed by the United States on behalf of the BLM and objected to by Mrs. Lola Coates.
4. Upon receipt of the subpoena and my short explanation that Department of Justice attorneys would like to ask him questions about the above referenced Coates objections on June 15, Mr. Coates replied, "That's after school, that's OK."
5. Mr. Coates was not offered and did not demand or request payment for fees in connection with his attendance at the June 15 deposition.
6. Notice of Service of the subpoena was hand-delivered to counsel for the parties to the above referenced subcases shortly

after service was perfected. Mr. Steckel, representing IDWR, was served with notice. Mr. Lezamiz, counsel for Ms. Lola Coates, was served with notice.

7. Mr. Lezamiz cited a misprint in the Notice of Service, noting that Idaho Falls was mistakenly listed as the city of location of the June 15, 1995 deposition. When brought to my attention I informed Mr. Lezamiz that the address was correct except that the location was indeed Twin Falls.

8. The location for the deposition, including city and address, is correctly described in the subpoena served on Mr. Coates.

9. An Amended Notice of Service of the subpoena was served on Ms. Lola Coates, by and through her attorney of record, Mr. Patrick Brown at the firm of Hepworth, Lezamiz and Hornhorst, and Mr. Dan Steckel at the IDWR on May 22, 1995.

Respectfully submitted this 22 day of May, 1995.

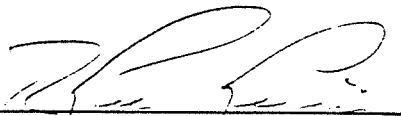

R. Lee Leininger
Attorney, ENRD

CERTIFICATE OF SERVICE

I certify that on the 22 day of May, 1995, I served a true and correct copy of the United States' Notice of Service of Subpoena, via first class mail upon the following individuals:

A. Lynne Krogh
Susan E. Hamlin
Deputy Attorney General
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83702

Mr. Patrick Brown
Hepworth, Lezamiz & Hohnhorst
133 Shoshone St. North
Twin Falls ID 83303-0389



Attorney, ENRD