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ATTORNEY GENERAL

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Department of Water Resources
Adjudication Bureau

COPY

Objector:

Lola Coates and San Felipe Ranches

Attorney Name and Address:

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED

133 Shoshone St. North

P.O. Box 389

Twin Falls, ID 83303-0389

Telephone: (208)734-7510

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34-2528

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

)

AFFIDAVIT OF HERB WHITWORTH, JR.

)

Case No. 39576

)

)

)

Subcase Nos.

SEE ATTACHED EXHIBIT "B"

STATE OF IDAHO

)

) ss.

County of Custer

)

Herb Whitworth, Jr., being first duly sworn upon oath, deposes and says:

1. My name is Herb Whitworth, Jr. and I reside on Highway 93, north of Mackay, Idaho.

2. I make the following statements based upon my personal knowledge and beliefs, and I am otherwise competent to testify about these matters. In the Snake River Basin Adjudication, I filed objections to several United States Bureau of Land Management claims for stockwater and wildlife rights located in the Big Lost River drainage. Attached to this affidavit and incorporated into it is Exhibit A, which lists the rights I objected to.

3. I understand that Lola Coates and San Felipe Ranches are attempting to file late objections to some of the BLM claims. I support the Coates and San Felipe Ranches in their attempts because I believe the claims are not legitimate, but will be awarded by the court unless Mrs. Coates and San Felipe are allowed to object.

4. At the present time I have objections before the court to BLM claims. I am in the process of negotiating a settlement with BLM concerning these claims. If at some time in the future that I decide to withdraw my objections, I would base that decision upon the premise that either: a) BLM has agreed to my terms, or b) that it would be cost-prohibitive to further pursue the objections.

5. From the time that I objected until the present, I have always believed that the BLM has no basis to make those claims, however, I continue to do business with BLM on a regular basis and feel that I must remain on friendly terms with them.

6. I do not believe that it would prejudice me or the BLM to allow the Coates and San Felipe to object. The BLM has informed me that they completely researched their claims and were certain of their position. If that is true, I do not see how it would cost them any more money or time except the time involving in showing their position to the court. It is my understanding the court must review the legal and factual basis for the claim

even if the objections are withdrawn.

7. Further your affiant sayeth not.

Dated this 31st day of October, 1995.

Herb Whitworth, Jr.
Herb Whitworth, Jr.

SUBSCRIBED and SWORN to before me this 31st day of October, 1995.

Charlotte J. Wall
NOTARY PUBLIC FOR IDAHO
Residing at: Wichay
My Commission Expires: 12-18-99

(WATER\SF\41040AFF.HW)llm

EXHIBIT "A"

34-12563
34-12565
34-12567
34-12568
34-12579
34-12903A
34-13355
34-13408
34-13409

EXHIBIT "B"

34-02528	34-13087A	34-13147A	34-13207A
34-07444	34-13088A	34-13148A	34-13208A
34-07445	34-13090A	34-13154A	34-13209A
34-07447	34-13091A	34-13155A	34-13210A
34-07449	34-13095A	34-13157A	34-13211A
34-12536A	34-13100A	34-13161A	34-13215A
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CERTIFICATE OF SERVICE

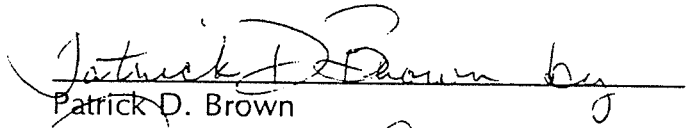
The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the objector in this matter, certifies that on the 3rd day of November, 1995, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

Attorney General's Office
IDWR
P. O. Box 44449
Boise, ID 83711-4449

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

U.S. Department of Justice
Environment & Natural Resources
Division
550 West Fort St.
MSC 033
Boise, ID 83724

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)


Patrick D. Brown

