

RECEIVED
NOV 06 1995
OFFICE OF THE
ATTORNEY GENERAL

RECEIVED
NOV 08 1995
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

11-3 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 MARGERY
C. FULTON-SMITH

Case No. 39576

Subcase Nos.

SEE ATTACHED EXHIBIT "B"

STATE OF IDAHO

)
) ss.
)

County of Custer

Margery C. Fulton-Smith, being first duly sworn upon oath, deposes and says:

1. My name is Margery C. Fulton-Smith, and I reside on Star Route, 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. When I removed my objections to the BLM claims that have a 1926 priority date based on some federal law which I do not fully understand, I did not withdraw those objections because I thought the rights were valid.

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 am simply not in the financial position to pursue my beliefs before the court. I am not in a position to hire an attorney to contest the BLM claims, nor do I understand the law well enough or have the time to educate myself about what the law is. The reason I settled with the BLM is that I do not have the time, money or expertise to continue to fight with them in court.

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 31 day of October, 1995.

Margery C. Fulton-Smith
Margery C. Fulton-Smith

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

Coelia Joanne Roche
NOTARY PUBLIC FOR IDAHO
Residing at: Mackay, Idaho
My Commission Expires: 3-11-98 8335

(WATER\SF\41040AFF.MFS)\lm

EXHIBIT "A"

34-12513A
34-12514A
34-12515A
34-12545A
34-12546A
34-12550A
34-12551A
34-12553A
34-12554A
34-12556A
34-12557A
34-12558A
34-12559A
34-13332A

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
34-12536	34-13114A	34-13162A	34-13220A
34-12537A	34-13119	34-13163A	34-13223A
34-12537	34-13119A	34-13164A	34-13228A
34-12538A	34-13120	34-13166A	34-13229A
34-12538	34-13120A	34-13169A	34-13230A
34-12539A	34-13122	34-13171A	34-13231A
34-12539	34-13122A	34-13172A	34-13235A
34-12540A	34-13123A	34-13174A	34-13237A
34-12540	34-13123	34-13175A	34-13241A
34-12541A	34-13127	34-13176A	34-13243A
34-12541	34-13127A	34-13179A	34-13244A
34-12542A	34-13128A	34-13180A	34-13246A
34-12542	34-13128	34-13181A	34-13253A
34-12552	34-13129	34-13182A	34-13257A
34-12553	34-13129A	34-13183A	34-13258A
34-12554A	34-13133	34-13184A	34-13259
34-12565	34-13133A	34-13186A	34-13259A
34-12567	34-13134A	34-13187A	34-13261A
34-12568	34-13134	34-13188A	34-13262A
34-12569A	34-13135A	34-13189A	34-13264A
34-12569	34-13135	34-13190A	34-13266A
34-12570A	34-13136	34-13191A	34-13267A
34-12570	34-13136A	34-13194A	34-13268A
34-12573A	34-13137	34-13195A	34-13269A
34-12573	34-13137A	34-13196A	34-13271A
34-12574	34-13140	34-13197A	34-13272A
34-12574A	34-13140A	34-13200A	34-13273A
34-12575	34-13141	34-13201A	34-13274A
34-12575A	34-13141A	34-13202A	34-13275A
34-12903A	34-13144A	34-13203A	34-13280A
34-13084A	34-13144	34-13204A	34-13281A
34-13085A	34-13145A	34-13205A	34-13282A
34-13086A	34-13146A	34-13206A	34-13283A

34-13285A
34-13286A
34-13287A
34-13288A
34-13289A
34-13290A
34-13291A
34-13296A
34-13298A
34-13299A
34-13303
34-13303A
34-13305
34-13305A
34-13321
34-13321A
34-13322
34-13324A
34-13324
34-13328A
34-13328
34-13340
34-13341
34-13342
34-13343
34-13344
34-13347
34-13349
34-13350
34-13351
34-13355

CERTIFICATE OF SERVICE

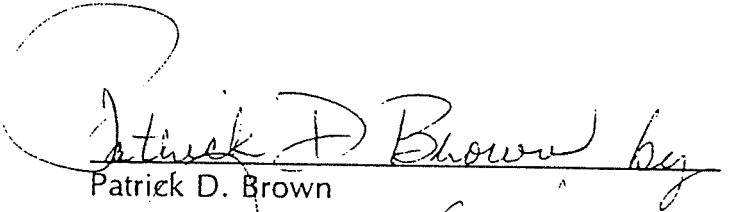
The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the objector in this matter, certifies that on the 3rd day of November, 1995, he served a true and correct copy of the foregoing document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

