

Party's Name: May Farms Ltd.

C. A. DAW
JOSEPHINE P. BEEMAN
DILLION, BOSCH, DAW & BOCK
CHARTERED
242 N. 8th St., Suite 200
Boise, ID 83702
(208) 344-8990

11-13

RECEIVED
NOV 15 1995
Department of Water Resources
Adjudication Bureau

Attorneys for Respondent May Farms Ltd.

**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 No. 36-10283A
	)	(Ya-Ta-Hay)
Case No. 39576	)	
	)	AFFIDAVIT OF C. A. DAW
	)	
_____	)	

COMES NOW, C. A. Daw, first being duly sworn, and says as follows:

I am over the age of 18 years, competent to testify and testifying from actual knowledge of the facts herein recited.

I am one of the attorneys for Respondent and make this affidavit for the reason that I am better informed of the facts herein recited than are the parties.

Starting at 4:10 p.m., Friday, November 10th, 1995, (the Veterans Day Holiday), our office received by facsimile transmission a notice of taking deposition in the above entitled matter. Said notice was bundled with five other notices on related subcases and the entire transmission was not received until approximately 4:30 p.m. A true and correct copy of the Notice of Taking Deposition is attached to this affidavit as exhibit A.

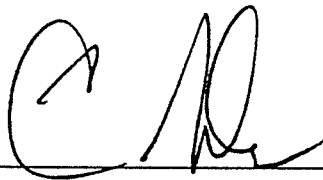
This office immediately informed Mr. Brown's office, by facsimile letter, that the

deposition was not scheduled appropriately. A true and correct copy of the facsimile letter and the verification of transmission are attached to this affidavit as exhibit B.

The notices of taking deposition were not withdrawn according to the time frame requested in the letter. It was necessary to prepare the motions for protective order and affidavits after hours on Saturday and on Sunday morning and make special arrangements for notarization of this affidavits and transport and hand delivery of these documents over a holiday weekend. The discourtesy and poor judgment shown by Mr. Brown in this matter in scheduling a deposition on less than one day's notice should not be taken lightly and should merit an award of fees and costs to Respondent.

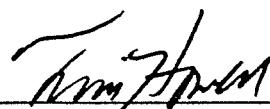
Further your affiant sayeth not.

Dated: 11/12/95

By: 
C. A. DAW

County of Ada)
)
State of Idaho) ss.

Subscribed and sworn before me this 12TH day of NOVEMBER, 1995.


Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires: 10/15/97

CERTIFICATE OF SERVICE

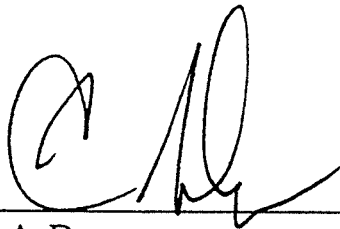
I certify that on the 13th day of November, 1995, I caused a true and correct copy of the foregoing document to be served on the following person(s) in the manner designated:

Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst
Chartered
133 Shoshone St. N.
Twin Falls, Idaho 83301

☐ U.S. Mail
☐ Fed-Ex
☒ Hand Delivery
☐ Facsimile

Chief, Natural Resources Div.
Office of Attorney General
P. O. Box 44449
Boise, Idaho 83711

☐ U.S. Mail
☐ Fed-Ex
☒ Hand Delivery
☐ Facsimile



C. A. Daw

LAW OFFICES
*Hepworth, Lezamiz
& Hohnhorst*
- Established 1952 -

TWIN FALLS OFFICE

John C. Hepworth
John T. Lezamiz
John C. Hohnhorst
Jeffrey J. Hepworth
Penelope Parker**
Eileen A. McDewitt
Patrick D. Brown
Jeffrey A. Warr
Suzanne E. McIntosh

November 10, 1995

SENT VIA FACSIMILE

Wm. L. Nungesser
of Counsel

BOISE OFFICE

J. Charles Hepworth
John J. Janis

*Member CA Bar
**Member UT Bar

Josephine P. Beeman
Dillion, Bosch, Daw & Bock, Chtd.
Fidelity Building
242 N. 8th Street, Suite 200
Boise, ID 83702

Re: Notice of Depositions on May Farms, Ltd., Sand Springs Ranch
Partnership and Faulkner Land & Livestock
Our File No. 92-1-530.1

Dear Ms. Beeman:

Pursuant to conversations with you and your secretary early this morning and again this afternoon, enclosed please find copies of the Notice of Taking Depositions in the above-entitled matter. I am faxing this with the understanding that your office is still trying to get ahold of your client.

Please advise if this time will not work for you.

Thank you for your assistance in this matter.

Very truly yours,

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED

By: LeAnn McMillan
LeAnn McMillan, Legal Assistant

HEH
Chartered

:llm

Enclosure

cc: Jeffrey Fereday

/1110JB.llm

TWIN FALLS OFFICE

208-734-7510
Blick Building
133 Shoshone St. N.
P.O. Box 389
Twin Falls, ID 83303-0389
Fax: 208-734-4118

BOISE OFFICE

208-343-7510
537 West Sannock
P.O. Box 2582
Boise, ID 83701-2582
Fax: 208-342-2927