

Party's Name: Faulkner Land & Livestock

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

RECEIVED

NOV 15 1995

Department of Water Resources
Adjudication Bureau

Attorneys for Respondent Faulkner Land & Livestock

**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. 36-00049
	)	(McFaddan)
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.

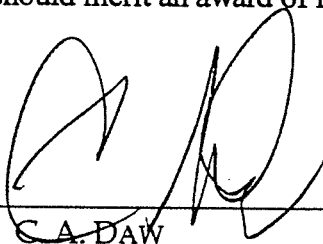
This office immediately informed Mr. Brown's office, by facsimile letter, that the deposition

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The notices of taking deposition were not withdrawn according to the time frame requested in the letter.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 one day's notice should not be taken lightly and should merit an award of fees and costs to Respondent.

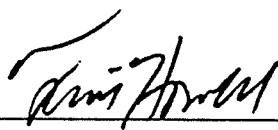
Further your affiant sayeth not.

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

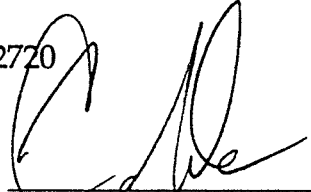
☐ U.S. Mail
☐ Fed-Ex
☒ Hand Delivery
☐ Facsimile

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

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

Jeffrey C. Fereday
Givens, Pursley & Huntley
P.O. Box 2720
Boise, Idaho 83701-2720

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



C. A. Daw