

Movant's Name
Faulkner Land & Livestock Company

Attorney's Name & Addresses
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Department of Water Resources
Adjudication Bureau

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OFFICE OF THE
ATTORNEY GENERAL

**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

Case No. 39576

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Case No. 36-00049

**AFFIDAVIT OF JOSEPHINE
BEEMAN**

Josephine Beeman, duly sworn on oath, states as follows:

1. I am over eighteen years of age and competent to testify and am testifying from personal knowledge of the facts herein recited.
2. I am the attorney for Faulkner Land & Livestock Company, the Movants in this matter.
3. On Friday, November 10, 1995, I retrieved a voice mail from LeAnn McMillan which asked me to call her regarding the scheduling of depositions for Pat Brown. Before I could return the phone call to Ms. McMillan, she called me, as I was leaving my office for a 10:30 a.m. meeting. Very hurriedly, Ms. McMillan explained that Pat Brown had wanted to schedule depositions on November 17, a Friday, but found out he couldn't and wanted to schedule for Monday and Tuesday.

AFFIDAVIT OF JOSEPHINE BEEMAN - 1

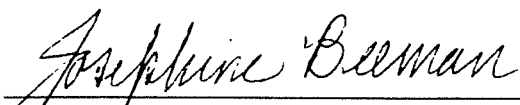
Our phone call was very cordial and I chuckled when I told Ms. McMillan, "Monday and Tuesday are November 20 and 21, the two days before the November 22 hearing." There was never any mention of depositions for Monday, November 13, nor was any time such as 9:00 a.m., discussed. I told Ms. McMillan to talk with Debi, who Ms. McMillan refers to as Stephanie in her affidavit--the date and time as well as my legal assistant's name were apparently confused by Ms. McMillan.

4. Not only was the November 13 date never discussed, had it been brought to my attention, I would have informed Mr. Brown and Ms. McMillan that due to a November 15, 1995, court ordered deadline for the City of Rupert who is amending its SRBA claims for both the potable municipal system and its low pressure irrigation system (some 46 wells), I was already scheduled at 9:00 a.m., November 13 at the state office of the Idaho Department of Water Resources in Boise. I had an appointment to work with Carter Fritschle and Roxanne McCarthy to review the city's engineering reports and generate amended SRBA claims in accordance with the engineering data in order to meet this deadline.

5. Under no circumstances would I have consented to depositions on such short notice. Preparation for these matters is lengthy and complex and involves reviewing pleadings, files and deposition transcripts. My schedule does not permit the latitude to do this work on short notice.

6. The notices of deposition which we subsequently received after 4:00 p.m. on Friday, November 10, requested Mr. Ambrose, Mr. Faulkner and Mr. May to bring documents with them which are voluminous and complex in nature. There would not have been adequate time to assemble and review the documents with the clients and adequately prepare for a 9:00 a.m. Monday deposition.

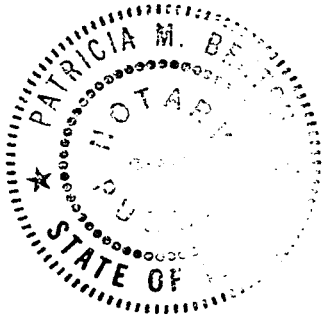
DATED: November 15, 1995



Josephine Beeman

STATE OF IDAHO)
) ss
County of Ada)

Subscribed and sworn before me on November 15, 1995.



Patricia M. Benton
Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires: 6/4/98