

Party's Name: Sand Springs Ranch Partnership

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  
OFFICE OF THE  
ATTORNEY GENERAL

RECEIVED  
NOV 16 1995  
Department of Water Resources  
Adjudication Bureau

Attorneys for Respondent Sand Springs Ranch Partnership

**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. 36-00051A         |
|                | ) | (Mildren)                     |
| Case No. 39576 | ) | <b>SUPPLEMENTAL</b>           |
|                | ) | <b>AFFIDAVIT OF C. A. DAW</b> |
|                | ) |                               |
| _____          | ) |                               |

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

Starting at 10:20 a.m., our office received by facsimile transmission an amended notice of taking deposition in the above case. Said notice was bundled with five other notices on related subcases. A true and correct copy of the Notice of Taking Deposition is attached to this affidavit as exhibit A.

In addition to the notice being less than 5 days, I am unavailable for depositions on November 16th, 1995. I have a previously scheduled trip to Des Moines, Iowa starting at

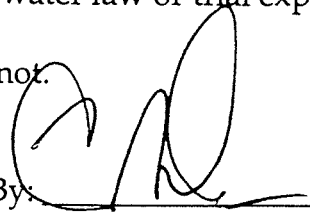
approximately 6:00 p.m., Wednesday, November 15th, 1995, returning on November 17th, 1995 at 10:30 p.m. A true and correct copy of my transportation ticket is attached to this affidavit.

The purpose of the trip to Des Moines is two-fold. First, I have a scheduled court argument in the Natural Gas Pipeline Company of America ad valorem tax appeal in District Court in Des Moines on the 17th. A true and correct copy of the court's scheduling order is also attached to this affidavit. I also have a scheduled meeting on November 16th, 1995 to discuss the final draft of the petition for certiorari in *Bair v. Burlington Northern R. Co.* with the Iowa Attorney General's Office. A copy of the order of August 31, 1995 from the Eighth Circuit Court of Appeals denying Appellant Bair's motion for rehearing is attached. This means that the petition for certiorari is due on November 29th, 1995. Printing and review deadlines leave only the 16th as the available meeting date with Attorney General's Office in order to obtain their approval on the final draft. A copy of the cover of the Petition is attached to this affidavit.

It is necessary for me to attend the depositions because Josephine P. Beeman, of this office, has so requested and Ms. Beeman is otherwise unavailable. See the affidavit of Josephine P. Beeman. No other person in this office is available to defend these depositions having the requisite knowledge of water law or trial experience.

Further your affiant sayeth not.

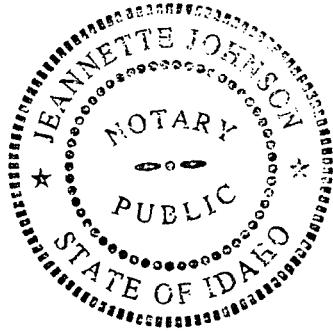
Dated: 11/14/95

By: 

C. A. DAW

County of Ada       )  
                              )  
State of Idaho       )       ss.

Subscribed and sworn before me this 14<sup>th</sup> day of November, 1995.



Jeannette Johnson  
Notary Public for Idaho  
Residing at Boise, Idaho  
Commission Expires: 2/6/01

CERTIFICATE OF SERVICE

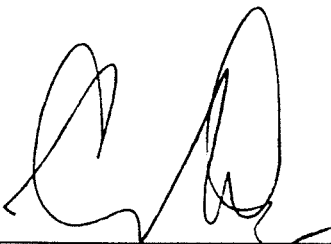
I certify that on the 14<sup>th</sup> day of November, 1995, I caused a true and correct copy of the foregoing document to be served on the following person(s) in the manner designated:

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