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DEC 28 1995

Department of Water Resources  
Adjudication Bureau

12-29

Claimant:

Clear Lakes County Club

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

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DEC 26 1995

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

) Subcase Nos. 36-04148B & 36-04074

)

)

AFFIDAVIT OF

Case No. 39576

)

PATRICK D. BROWN

)

\* \* \* \* \*

STATE OF IDAHO

)

) ss.

County of Twin Falls

)

Patrick D. Brown, being first duly sworn upon oath, deposes and says:

1. My name is Patrick D. Brown and I am an attorney licensed to practice in the State of Idaho. I practice with the firm of Hepworth, Lezamiz & Hohnhorst, which represents Clear Lakes Country Club with regard to its water right claims in the Snake River Basin Adjudication. I make the foregoing and following statements based upon my personal knowledge. I am otherwise competent to testify to the following.

1                   2.       Clear Lakes Country Club hired our law firm to represent it in the Snake  
2 River Basin Adjudication sometime after the objection deadline had run in Basin 36, and  
3 Clear Lakes Country Club had learned that it would not be able to rewrite the paperwork  
4 concerning its present use of water as was suggested apparently by IDWR.

5                   3.       Since my firm was initially retained by Clear Lakes Country Club, I  
6 have spent quite alot of time attempting to document the actual water use made by the  
7 Country Club under the rights listed above, and attempting to verify how the waters had  
8 been historically used including by locating witnesses, old photographs, documents, and  
9 much other material which was not in the possession of my clients. Simply put, the water  
10 rights at issue here have a complicated and inter-related history, have undergone numerous  
11 changes, and, given my work load, it has taken me literally months to make a reasonable  
12 inquiry into the facts of these subcases in order to ascertain how the rights should properly  
13 be recommended, what objections should be made by my client, and to otherwise sort out  
14 this rather complicated situation.

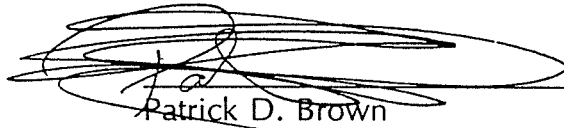
15                   4.       If the number of months it has taken me to sort out these matters  
16 appears unjustified at first blush given the original objection deadline was in May of 1993,  
17 it is only because the underlying facts have not been considered. These rights not only have  
18 a complex history but one that may be fully documented so that my clients may continue  
19 to enjoy the use of their water. Any delay in moving to file these late objections since my  
20 law firm has been hired is in my opinion not only excusable but was required in order to  
21 conduct a reasonable investigation as required by I.R.C.P. 11. Further, it is my opinion that  
22 no parties to the adjudication, to my knowledge have been in any way delayed or  
23

1 prejudiced, and no party could claim such injury since I understand my client has always  
2 used the full amount of water it now seeks to have confirmed by the court through  
3 objections, even though IDWR has recommended less.

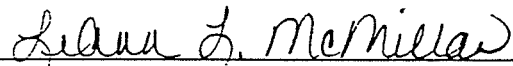
4 5. Further, I have consulted with attorneys for the Idaho Department of  
5 Water Resources concerning these late objections. Those attorneys do not oppose granting  
6 leave to file these late objections. I am aware of no other party to the SRBA who is any way  
7 prejudiced by the late filing of objections.

8 6. Further your affiant sayeth not.

9 Dated this 5 day of December, 1995.

10   
11 Patrick D. Brown

12 SUBSCRIBED and SWORN to before me this 5<sup>th</sup> day of December, 1995.

13   
14 NOTARY PUBLIC FOR IDAHO  
15 Residing at: Jerome, Idaho  
16 My Commission Expires: 8/24/2001

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 claimant in this matter, certifies that on the 21<sup>st</sup> day of December, 1995, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

A. Lynne Krogh  
Susan E. Hamlin  
Deputy Attorneys General  
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)

Director of IDWR  
P. O. Box 83720  
Boise, ID 83720-0098

☒ U.S. Mail  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Telecopy (Fax)

Patrick D. Brown

Patrick D. Brown

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