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ATTORNEYS FOR THE IDAHO
DEPARTMENT OF WATER RESOURCES

**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	)	Sub-case Nos.: 36-0003C,
	)	36-00047, 36-00079, 36-00089A
Case No. 39576	)	36-00108B, 36-10223
	)	
	)	AFFIDAVIT OF DAVID B. SHAW
	)	

STATE OF IDAHO	)	
	)	ss.
County of Ada	)	

1. My name is David B. Shaw, and I make the following statements based on my personal knowledge.

a. I am the adjudication bureau chief for the Idaho Department of Water Resources (IDWR).

b. My work address is Idaho Department of Water Resources (IDWR), 1301 North Orchard Street, Boise, Idaho 83706. I reside in Emmett, Idaho.

c. My educational background includes a bachelor's and master's degree in Agricultural Engineering from the University of Idaho in 1966 and 1972, respectively, I am a registered engineer and land surveyor in the state of Idaho.

d. My work experience includes five years of teaching at the University of Idaho in the College of Engineering from 1968 to 1973. I have been with IDWR and its predecessor agencies since November, 1973. At IDWR, I have served in a number of technical and administrative positions including regional supervisor for IDWR's western region from 1978 to 1985 (except for three months when I served as acting administrator of the resource administration division). During that time, among other responsibilities, I was supervisor of the adjudication effort in IDWR's western region, which included the Payette River Basin Adjudication. Since July of 1985 I have served as IDWR's adjudication bureau chief.

e. As the adjudication bureau chief, I supervise IDWR's adjudication functions in the Snake River Basin Adjudication, including the investigation and reporting of claims to water rights acquired under state law.

2. At approximately 2:45 p.m. on Friday afternoon, January 5, 1996, a process server delivered to me personally a Subpoena Duces Tecum and a Notice of Taking Deposition Duces Tecum upon Oral Examination of Idaho Department of Water Resources (the documents) for each of the six subcases listed in the caption of this affidavit. A true and correct copy of each of the six subpoenas and each of the six notices is attached to this affidavit.

3. No one from the claimants' counsel's firm had contacted me about available dates prior to my receipt of the documents. The documents were my first notice of the claimants' counsel's intent to subpoena documents or take depositions of IDWR and its staff in these subcases.

3. Had any staff of the adjudication bureau, IDWR legal counsel, or IDWR administrators been contacted about scheduling these matters prior to my receipt of the documents, I would have been immediately notified. I was not.

4. Upon receiving these documents, I personally polled the adjudication staff, IDWR legal counsel, and IDWR administrators. I found no one had been so contacted.

5. I am not licensed to practice law in this or any other state and have not earned a degree in law. I was unaware of the language of IRCP 45(c)(2) which provides for witness fees and mileage to be demanded at the time of service of the documents. I did not demand witness fees and mileage at the time of service.

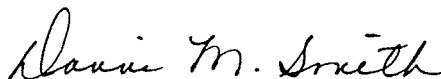
6. Steve Clelland is a senior water agent assigned to the adjudication bureau and stationed at IDWR's Southern Region Office in Twin Falls. Mr. Clelland is the agent primarily responsible for investigating and preparing preliminary recommendations of the claims in these six subcases, and is the primary person who would be produced in response to the notices of deposition. Mr. Clelland will be unavailable to attend on the dates set forth in the notices, because he will be preparing for and attending mandatory settlement conferences in these subcases

on those dates. Mr. Clelland will be unavailable to attend on any date in January, because he will be preparing for and attending mandatory settlement conferences in other subcases involving claims of the Hagerman Water Right Owners throughout the month of January.



DAVID B. SHAW

SUBSCRIBED AND SWORN TO before me, a notary public in and for the state of Idaho, this 8th day of January, 1996.

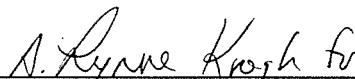


Notary Public for Idaho,
residing in Boise, Idaho.
My commission expires: 12/5/2000

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of January, 1996, I served a true and correct copy of the foregoing AFFIDAVIT OF DAVID B. SHAW on the following via facsimile transmission to the address and FAX number listed below.

Patrick D. Brown, Esq.
HEPWORTH, LEZAMIZ & HOHNHORST, CTD.
133 Shoshone Street North
Twin Falls, Idaho
FAX NO. (208) 734-4115



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