

Party's Name: Cranney Bros.

Attorneys' Names and Address

Jeffrey C. Fereday
Michael C. Creamer
GIVENS PURSLEY & HUNTLEY LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
(208) 342-6571
(208) 343-9492 (facsimile)
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1-2A

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

Subcase No. 36-00039D

AFFIDAVIT OF MICHAEL C.
CREAMER IN SUPPORT OF
MOTION TO VACATE
SETTLEMENT CONFERENCE

STATE OF IDAHO)
 : ss.
COUNTY OF ADA)

Michael C. Creamer, being first duly sworn upon oath, deposes and states as follows:

1. I am one of the attorneys representing Cranney Bros. in the above-captioned subcase, which has been scheduled for a settlement conference on January 30, 1996.

2. On January 17, 1996, I received by a courtesy facsimile copy, two orders of the Special Master vacating settlement conferences and setting a status conference

for numerous subcases involving claims by Hagerman Water Right Owner members.

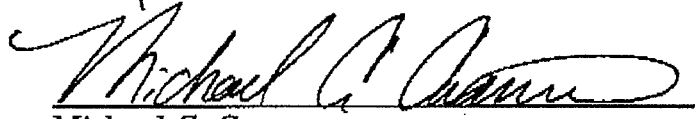
3. Based upon the grounds stated by the Special Master for vacating the above-referenced settlement conferences, I believe that the Subcase 36-00039D would necessarily be included in any groupings of claims by ditch or, in the case of split rights, by their underlying right, and therefore, that Cranney Bros. would be affected by, and should participate in discussions with the parties and the Court regarding those groupings, and the order in which they will proceed.

4. This afternoon, I attempted to confer with Patrick Brown, counsel for the Claimants, Fred and Susan Walmsley regarding whether he would object to Cranney Bros.' Motion to Vacate the settlement conference, but as of 4:15 pm today, I have not been able to speak with him. I have spoken with Nicholas Spencer, counsel for the Idaho Department of Water Resources ("Department"), who informed me that the Department would not object to vacating the settlement conference for the reasons stated by Cranney Bros. in its Motion to Vacate.

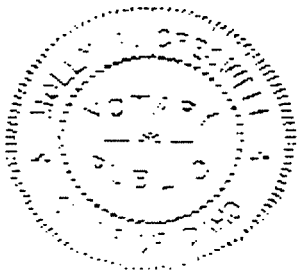
5. Although I have not been able to learn what Mr. Brown's position on Cranney Bros.' Motion to Vacate would be, Cranney Bros. is filing the Motion contemporaneously with this Affidavit, to place the matter before the Court as quickly as possible before the January 30th settlement conference.

Further your Affiant sayeth naught.

DATED this 24th day of January, 1996.


Michael C. Creamer

SUBSCRIBED AND SWORN TO before me this 24 day of January, 1996.




Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 9-24-99

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of January, 1996, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Chief, Natural Resources Div.
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

☐ U.S. Mail ☒ Fax ☐ Hand Delivery ☐ Federal Express

Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389

☐ U.S. Mail ☒ Fax ☐ Hand Delivery ☐ Federal Express

Environment & Natural Resources Division
United States Department of Justice
550 West Fort Street, Box 033
Boise, ID 83724

☐ U.S. Mail ☒ Fax ☐ Hand Delivery ☐ Federal Express



FAX COVER SHEET

DATE: January 24, 1996

TIME: 4:27 pm (Mountain Time)

PAGES (INCLUDING COVER): 9

ORIGINAL TO FOLLOW: () Yes (X) No

OUR FILE NUMBER: 4431-1

From:

MICHAEL C. CREAMER

GIVENS PURSLEY & HUNTLEY LLP

Suite 200, Park Place

277 North Sixth Street

Post Office Box 2720

Boise, Idaho 83701-2720

Telephone: (208) 388-1200

Fax: (208) 388-1201

MATTER: In Re SRBA: Case No. 39576

*Re: Subcase No. 36-00039D; Cranney Bros.' Motion to Vacate Settlement
Conference and Affidavit In Support of Motion to Vacate Settlement
Conference*

SEND TO FAX PHONE: (208)736-2121

TO: Ms. Diana Delaney
Snake River Basin Adjudication
253 3rd Avenue N.
P.O. Box 2707
Twin Falls, ID 83303-2707

MESSAGE:

Diana—

Attached for filing please find Re: Subcase No. 36-00039D Cranney Bros.' Motion to Vacate Settlement Conference and Affidavit in Support of Motion to Vacate Settlement Conference. If you have any questions regarding the attached, do not hesitate to call. Thank you.

—Mike Creamer

cc: Patrick D. Brown, (208) 734-4115 (w/encl., via fax)
Office of the Attorney General, 334-2690 (w/encl., via fax)
Dept. of Justice, Environment & Natural Resources Div., 387-0842 (w/encl., via fax)
Nicholas B. Spencer, Deputy Attorney General, IDWR, 327-7866 (w/encl., via fax)

If this transmission is incomplete, call Molly Creswell at (208) 388-1248.

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