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JUN 28 1996

Department of Water Resources
Adjudication Bureau

1
2 Claimant:

David Kingston

3 Attorney Name and Address:

4 HEPWORTH, LEZAMIZ & HOHNHORST,
5 CHARTERED
6 133 Shoshone St. North
7 P.O. Box 389
8 Twin Falls, ID 83303-0389
9 Telephone: (208)734-7510

10
11 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
12 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
13

14 * * * * *

15 In Re SRBA

) Subcase No. 36-00003B

)

16 Case No. 39576

) AFFIDAVIT OF PATRICK D. BROWN

)

)

17 * * * * *

18 STATE OF IDAHO)

) ss.

19 County of Twin Falls)

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

21 1. I am an attorney licensed to practice in the State of Idaho. I practice
22 with the law firm of Hepworth, Lezamiz and Hohnhorst, Chartered, and represent the above
23 named claimant. I make the foregoing and following statements based upon my personal
knowledge. I am otherwise competent to testify to the following.

1 2. I have reviewed the claims and IDWR's files in each subcase for which
2 the motion to consolidate has been filed. I represent the present claimants and had
3 represented the original claimant, Barbara Gardner, before these claims were split by sales
4 in May, 1994 and January, 1996. The above subcase involves common questions of law
5 and fact pending before the court because each subcase relates to the common use of water
6 under a decreed right, which uses were aggregated under a single claim until the splits on
7 the above dates. The same set of facts is shared by 36-00003A, 36-00003C, 36-00003E, 36-
8 00003F and 36-00003J.

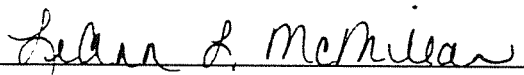
9 3. I have consulted with John Simpson, counsel for Buckeye Farms.
10 Buckeye Farms has sought to participate in two of these subcases, nos. 36-00003B and 36-
11 00003J. Mr. Simpson does not object to consolidation.

12 4. Further your affiant sayeth not.

13 Dated this 26 day of June, 1996.

14 
15 _____
Patrick D. Brown

16 SUBSCRIBED and SWORN to before me this 26 day of June, 1996.

17
18 
19 NOTARY PUBLIC FOR IDAHO
Residing at: Jerome, ID
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 26 day of June, 1996, he served a true and correct copy of the foregoing document 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
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

U.S. Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

☒ U.S. Mail
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☐ Telecopy (Fax)

John K. Simpson
Rosholt, Robertson & Tucker
1221 W. Idaho, Ste. 600
P. O. Box 2139
Boise, ID 83701

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


Patrick D. Brown

(00003B.PDB)llm