

OFFICE OF THE
ATTORNEY GENERAL

AFFIDAVIT IN SUPPORT OF MOTION TO EXTEND FOR RESPONDING TO
UNITED STATES FIRST SET OF INTERROGATORIES AND REQUEST FOR
ADMISSIONS AND REQUEST FOR PRODUCTION OF DOCUMENTS

FOR COPY

2. Your affiant has served in this capacity in Owyhee County since 1982 and is familiar with range and livestock conditions in said county.
3. Your affiant is familiar with Harry Richard Bass, Richard Brandau, Ted Blackstock, Paul Nettleton, who is operating Joyce Livestock, and the individuals who ranch under the Chipmunk Grazing Association.
4. All of said persons operate ranches in the western portion of Owyhee County where one of the most critical periods for ranchers begins in early to mid June and lasts through the middle to last of July.
5. This is the period of time when ranchers must move livestock in order to meet BLM restrictions and seasonal dates and such livestock movement is critical in order to avoid trespass and to comply with BLM restrictions.
6. During this period time must also be spent in performing fence repair and fence work in order to prevent livestock from straying into areas not permitted by BLM restrictions.
7. During this time period it is also necessary that time be spent haying and irrigating. If the haying operation is not completed with dispatch, during this period there will not be enough moisture to produce any further crop during the season.
8. This is also the time of year when high temperatures make it necessary to place close attention to newly born calves during the movement of livestock to prevent injury or death to these calves.
9. I am familiar with the work performed by the persons named in this Affidavit. They do not operate corporate ranches but in fact are responsible as individuals for the daily ranching functions. In 1996 a rapid onset of hot temperatures in June, after a cool wet spring, caused it to be critical that irrigation water be changed frequently in order to keep up with the drying soil so that crops and

pasture production necessary to provide feed for next winter could be maintained. Irrigation pump failures at the beginning of the irrigation season caused unexpected delays in the watering schedules for Joyce Livestock resulting in a doubling of labor for making double sets. As to Joyce Livestock, a canal break on June 24, caused an additional four days work involving heavy equipment to repair the canal. This delay resulted in additional work time in irrigating.

10. The rapid change from a cool wet spring to summer during the middle portion of June 1996 required even more frequent livestock movements during that time to prevent over grazing and to assure sufficient stockwater. Each move required additional time in riding fences in advance of movement in order to mend areas that were more snow damaged then usual because of the heavier than normal snow falls of the previous winter. Each move also required several re-rides to make sure that all livestock were out of a designated area in accordance with BLM's restrictions. These livestock movements were critical to all of the persons identified in this Affidavit. In addition to all of the regular necessary chores both the Brandaus and Harry Richard Bass, also suffered equipment break downs which increased their daily work hours.
11. In addition to the time spent in performing regular ranch chores during this period of time, wild fires broke out in late June burning an area from West of Swan Falls along the Snake River over the Murphy flat, burning thousand of acres. These ranchers were all involved in the effort to contain those fires which threatened and damaged the winter feed in the area. During the July 4 week-end another fire caused by fireworks started near Jump Creek where the Spring feed of Ted Blackstock was threatened. He had to follow up his work on the Murphy Flat fire by spending time on the Jump Creek fire.

12. I have worked with these claimants from the time they first filed there claims for water rights in this case. They have never to my knowledge acted in bad faith in an effort to delay the proceedings.

Chad Gibson
DR. CHAD GIBSON

SUBSCRIBED and SWORN to before me this 6th day of August, 1996.

Richard R. [Signature]
Notary Public State of Idaho
Residing At: Chadwick
My Commission Expires: 3/27/2001

CERTIFICATE OF SERVICE

I the undersigned do hereby certify that a true and correct copy of the foregoing instrument was served on the following this 1 day of August, 1996.

SPECIAL MASTER FRITZ X HAMMERLE	<u> X </u>	United States Mail
Snake River Basin Adjudication		
P. O. Box 2707	<u> </u>	Hand Delivered
Twin Falls, Idaho 83033-2707		
Fax: (208) 736-2121	<u> X </u>	Facsimile

CHIEF, NATURAL RESOURCES DIVISION	<u> X </u>	United States Mail
Office of the Attorney General		
State of Idaho	<u> </u>	Hand Delivered
P. O. Box 44449		
Boise, Idaho 83711-4449	<u> </u>	Facsimile

PAUL F. HOLLEMAN	<u> X </u>	United States Mail
Attorney for Department of Justice		
General Litigation Section	<u> </u>	Hand Delivered
Environment and Natural Resources Division		
P. O. Box 663	<u> X </u>	Facsimile
Washington, D. C. 20044-0663		
Fax: (202) 305-0506		

/s/ RICHARD L. HARRIS

RICHARD L. HARRIS



RECEIVED

AUG - 9 1996

OFFICE OF THE
ATTORNEY GENERAL

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August 7, 1996

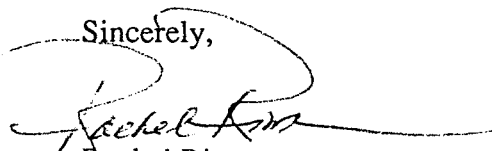
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Re: SRBA Case No. 39576
Subcases 57-11124 et. al.

Dear Gentleman:

Enclosed please find a copy of our Affidavit In Support Of Motions To Extend Time For Responding To United States First Set Of Interrogatories, Request For Admissions And For Production Of Documents.

Sincerely,



Rachel Rivera
Secretary To Richard L. Harris

RLH:rr
Enclosure