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Attorneys for Claimants Steve and Deanne Hawks

RECEIVED

MAY 19 2016

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 CSRBA

Case No. 49576

Subcase No. 91-7102; 91-7173

**AMENDED AFFIDAVIT OF SARAH
MCCORMACK IN SUPPORT OF
CLAIMANTS' RESPONSE TO
OBJECTOR'S MOTION TO COMPEL
AND MOTION TO DETERMINE
SUFFICIENCY OF OBJECTIONS AND
TO DEEM CERTAIN MATTERS
ADMITTED**

Steve and Deanne Hawks,

Claimants,

vs.

Coeur d'Alene Tribe, a federally-recognized
Indian tribe,

Objector.

**AMENDED AFFIDAVIT OF SARAH MCCORMACK IN SUPPORT OF CLAIMANTS'
RESPONSE TO OBJECTOR'S MOTION TO COMPEL AND MOTION
TO DETERMINE SUFFICIENCY OF OBJECTIONS AND TO DEEM
CERTAIN MATTERS ADMITTED - 1**

STATE OF IDAHO)
) ss.
County of Ada)

SARAH A. McCORMACK, being duly sworn upon oath, deposes and states as follows:

1. I am over eighteen years of age and am an attorney with the law firm Moffatt, Thomas, Barrett, Rock & Fields, Chartered, counsel of record for the above-named Claimants Steve and Deanna Hawks, and make this affidavit upon my own personal knowledge. The purpose of this affidavit is to amend paragraph 6 of my May 4th affidavit, in furtherance of the Notice of Errata filed on May 9, 2016 and as requested by Special Master Brigitte Bilyeu at the Hearing on Objector's Motion to Compel and Objector's Motion to Determine Sufficiency of Objections and Deem Certain Matters Admitted on May 11, 2016. The remainder of the affidavit remains unchanged.

2. On February 5, 2016, the Coeur d'Alene Tribe ("Objector") served Claimants Steve and Deanne Hawks (collectively, "Claimants") with *Objector's First Requests for Discovery to Claimants* in Subcase Nos. 91-7102 and 91-7173. Attached hereto as **Exhibit A** are true and correct copies of *Objector's First Requests for Discovery to Claimants* in Subcase Nos. 91-7102 and 91-7173.

3. On March 4, 2016, claimants Jack and Nancy Buell (the "Buell") provided Objector with *Claimant(s) Buells' Response to Objector's First Request for Discovery* for Subcase No. 92-07226. Attached hereto as **Exhibit B** is a true and correct copy of *Claimant(s) Buells' Response to Objector's First Request for Discovery* for Subcase No. 92-07226.

4. On March 7, 2016, Claimants provided Objector with *Claimants Steve and Deanne Hawks' Responses to Objector's First Requests for Discovery* for Subcase Nos. 91-7102 and 91-7173 (the "First Responses"). Attached hereto as **Exhibit C** are true and correct copies of *Claimants Steve and Deanne Hawks' Responses to Objector's First Requests for Discovery* for Subcase Nos. 91-7102 and 91-7173.

5. On March 15, 2016, I, along with Norman Semanko of this law firm, co-counsel for the Buells and counsel for Objector participated in a conference call regarding the discovery responses from the Buells. During the conference call counsel for Objector explained its concerns regarding the discovery responses, request by request. However, Objector did not address any of the issues described in its Motion to Compel regarding the Buells' response for Interrogatory No. 7. In fact, Objector informed counsel for Claimants that he found the Buells' licensing file online and had reviewed the documents.

6. During the March 15 conference call counsel for Objector, Kinzo Mihara, admitted that some of the requests for admission, specifically Request for Admission Nos. 8, 9, 12, 13, 14 and 15, sought a legal conclusion and offered to consider amending those requests or, alternatively, offered that Claimants should provide qualified answers. However, during the March 21 conference call, counsel for Objector, Kinzo Mihara, reneged on his earlier offer to amend the requests and insisted that Claimants provide qualified answers.

7. At the end of the March 15 conference call, counsel for the parties agreed to schedule a follow-up call for March 21, 2016, to give time for Claimants to develop a plan to address Objector's concerns.

8. On March 15, 2016, Kinzo Mihara, counsel for Objector, sent a follow-up e-mail confirming the agreement between the parties. Attached hereto as **Exhibit D** is a true and correct copy of Kinzo Mihara's e-mail to counsel regarding the March 15 conference call, dated March 15, 2016.

9. On March 21, 2016, I, along with Norman Semanko of this law firm, co-counsel for the Buells and counsel for Objector participated in a follow-up conference call regarding the discussion at the March 15 conference call. During this conference call Claimants agreed to provide amended responses to Objector's discovery requests in accordance with concerns explained by Objector for the responses by the Buells.

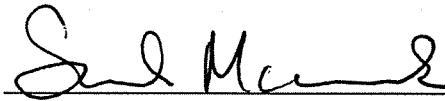
10. On March 28, 2016, Claimants provided Objector with *Claimants Steve and Deanne Hawks' Amended Responses to Objector's First Requests for Discovery Requests* for Subcase Nos. 91-7102 and 91-7173 (the "Amended Responses"). Attached hereto as **Exhibit E** are true and correct copies *Claimants Steve and Deanne Hawks' Amended Responses to Objector's First Requests for Discovery Requests* for Subcase Nos. 91-7102 and 91-7173.

11. On April 13, 2016, Objector served Claimants with *Objector's Second Requests for Discovery to Claimants* for both Subcase Nos. 91-7102 and 91-7173. In addition, Objector deposed Claimants on May 2, 2016 in St. Maries, Idaho.

12. Objector made no contact or effort to meet and confer with counsel for Claimants regarding the Claimants' responses until April 15, 2016, when it served Claimants with its Motion to Compel and Motion to Determine Sufficiency of Objections and to Deem Certain Matters Admitted.

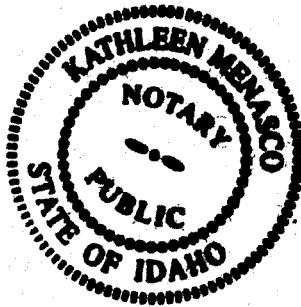
13. On May 3, 2016, Claimants provided Objector with *Claimants Steve and Deanne Hawks Amended Responses to Objectors First Requests for Discovery with Claimant Verification* for Subcase Nos. 91-7102 and 91-7173. Attached hereto as **Exhibit F** are true and correct copies *Claimants Steve and Deanne Hawks Amended Responses to Objectors First Requests for Discovery with Claimant Verification* for Subcase Nos. 91-7102 and 91-7173.

Further your affiant sayeth naught.



Sarah A. McCormack

SUBSCRIBED AND SWORN to before me this 17th day of May, 2016.




NOTARY PUBLIC FOR IDAHO
Residing at Meridian, Idaho
My Commission Expires October 9, 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 2016, I caused a true and correct copy of the foregoing **AMENDED AFFIDAVIT OF SARAH MCCORMACK IN SUPPORT OF CLAIMANTS' RESPONSE TO OBJECTOR'S MOTION TO COMPEL AND MOTION TO DETERMINE SUFFICIENCY OF OBJECTIONS AND TO DEEM CERTAIN MATTERS ADMITTED** to be served by the method indicated below, and addressed to the following:

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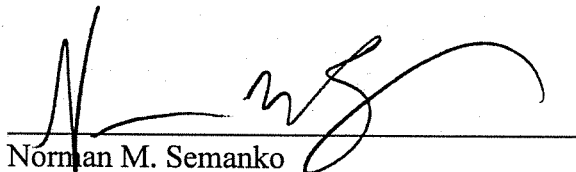
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Norman M. Semanko