

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2006 AUG 18 AM 9 16

Roger D. Ling, ISB No. 1018
Michael P. Tribe, ISB No. 6816
LING, ROBINSON & WALKER
Attorneys at Law
615 H Street
P. O. Box 396
Rupert, Idaho 83350
Telephone (208) 436-4717
Facsimile (208) 436-6804

Attorneys for Objector,
Ben D. Jernberg and Idaho Properties, LLC,

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

Subcase No. 31-11845

Case No. 39576

AFFIDAVIT OF DALE STUKENHOLTZ
IN OPPOSITION TO STATE OF
IDAHO'S MOTION TO COMPELL

STATE OF IDAHO)

County of Twin Falls)

) ss.

Dale Stukenholtz, being first duly sworn on oath, deposes and states:

1. That your affiant is an adult resident of Twin Falls County, Idaho, and makes this Affidavit on his own personal knowledge, is competent to testify to the matters stated herein, and this Affidavit sets forth facts as would be admissible in evidence.

2. That your affiant is a consulting agronomist and owner of

1
2
3 Stukenholtz Laboratory Inc. located in Twin Falls Idaho.

4 3. That as an employee of Stukenholtz Laboratory Inc., I have been
5 requested to act as a consultant on all soil related issues that have arisen or may arise
6 in Water Right No. 31-11845. I have not personally been on the proposed place of use
7 but intend to personally accompany the State's experts or send one of my associates
8 from my Laboratory when any soil sample are taken.
9

10 4. To insure that any testing is done in the same areas and so any
11 test results can be cross-referenced, it is essential that I take samples from the same
12 areas or pits the State's experts do to properly aid the Claimants.

13 5. That this affiant is familiar with methods for taking soil samples for
14 agricultural consultation and that I have done such consultation throughout the State of
15 Idaho.
16

17 4. That attached as Exhibit "A" and by reference made a part herein is
18 a true and correct copy of my curriculum vita.

19 5. That it is generally only necessary to take a soil sample of two feet
20 in depth to determine whether vegetation or a crop will grow in a specific area. In
21 deciding whether a soil makeup is appropriate to grow a crop, a six-foot or greater soil
22 trench is generally only necessary to determine whether the water table is being
23 polluted. *if there is an impermeable restricting layer.*
24

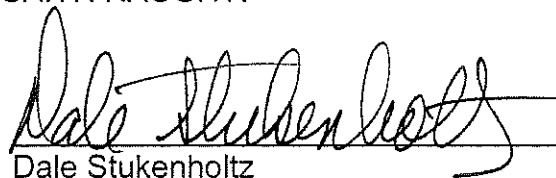
25 6. That soil samples taken from beyond two feet in depth will not lead
26 to information that would aid the Court in deciding whether the Claimants property is
27

capable of irrigating native grasses or other crops.

7. That a proper alternative to using a backhoe to take a soil sample is extracting samples with an auger, which would create only a three to four inch hole in diameter in the Claimants' property and would still provide appropriate soil samples.

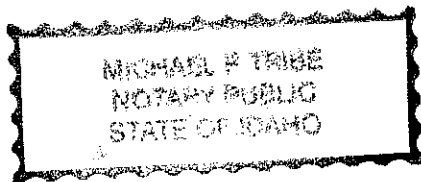
8.

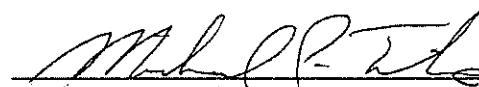
FURTHER THIS AFFIANT SAITH NAUGHT.


Dale Stukenholtz

SUBSCRIBED AND SWORN to before me this 18th day of August ~~18~~, 2006.

(SEAL)




Notary Public for Idaho
Residing at: Rupert, ID
My Commission expires: 4/15/2011

Stukenholtz Laboratory, Inc.

ADDISON AVENUE EAST • P.O. BOX 353 • TWIN FALLS, IDAHO 83303-0353
PHONE (208) 734-3050 • 800-759-3050 • FAX (208) 734-3919

VITAE FOR DR. DALE STUKENHOLTZ

1. EDUCATION BACKGROUND

<u>Institution</u>	<u>Degree</u>	<u>Date</u>	<u>Major/Minor</u>
Nebraska City High School	12 years	1952	
University of Nebraska	B. Science	1956	Agronomy
University of Nebraska	M. Science	1958	Soil Fertility
University of Nebraska	Ph.D.	1964	Soil Sci/Related
Artillery & Missile Center	Officers	1958	Officer's Basic Course

2. PROFESSIONAL POSITIONS

- a. University of Nebraska - 1959-64
Instructor in Department of Agronomy
Taught two soil courses: Beginning Soils
Soil Fertility and Irrigated Soils
Assisted in teaching: Soil Survey and Classification - a graduate level course.
Conducted research relative to fertility - moisture relations, nitrogen losses, phosphate fertilizers, and micronutrients.
- b. American Potash and Phosphate Institute - 1964-65
Midwest Regional Agronomist responsible for developing the potash market in Ohio, Michigan, and Kentucky through the University and Industry activities.
- c. U.S.S. Agri-Chemicals, Division of U.S. Steel Corp. - 1965-70
Western Agronomist and later Chief West Agronomist headquartered at Salt Lake City, Utah with responsibilities for Agronomic Marketing programs.
Principle active areas were in fertilizer and agronomic training, soil and plant testing programs, basic and applied research, new product development, technical bulletin writing and literature, and agronomic trouble shooting.
- d. Instructor of Agronomy at College of Southern Idaho - 1972-73.
- e. Agricultural Testing and Consultants, Inc. - 1970-71
Acted as Soil Chemist, Field Agronomist, Crop Consultant, and half-owner of above Corporation located in Twin Falls, Idaho.
- f. Stukenholtz Laboratory, Inc. - 1971-Present
Principle areas of responsibility are:
Operate a soil-plant-feed testing laboratory:
Operate crop consulting efforts which involves:
Fertilizer recommendations
Pesticide monitoring and recommendations
Irrigation scheduling
Cultural practice recommendations

3. **COURSES TAUGHT SINCE 1956**

First Course in Soils (53) - University of Nebraska
 Soil Fertility & Irrigated Soils (169) - University of Nebraska
 Soil Survey and Classification (277) - University of Nebraska
 General Soils (205) - College of Southern Idaho
 Beginning Soils (107) - College of Southern Idaho
 Beginning Soils (207) - College of Southern Idaho
 Agricultural Chemicals (121) - College of Southern Idaho
 Agricultural Chemicals (221) - College of Southern Idaho
 Principles of Range Management (203) - College of Southern Idaho
 Fertilizer Technology & Usage (212) - College of Southern Idaho
 Crop Production (108) - College of Southern Idaho

4. **OTHER SIGNIFICANT ACTIVITIES**

a. **Publications**

Olson, R.A., C.A. Thompson, P.H. Grabouski, D.D. Stukenholtz, K.D.

Frank and A.F. Dreier. 1964. Water Requirement of Grain Crops as Modified by Fertilizer Use. Agron. Journal 56:427-432.

Olson, R.A., D.D. Stukenholtz, and C.A. Hoover. 1965. Phosphorus-Zinc Relations In Corn and Grain Sorghum Production. Better Crops With Plant Food. E-1-65.

Stukenholtz, D.D. 1958. Relative Effectiveness of Nine Limestone. M.Sci. Thesis. University of Nebraska.

Stukenholtz, D.D. 1964. Zinc-Phosphorus Relationship In Corn: The Influence of Temperature, Incubation, and Applied Nitrogen, Phosphorus, and Zinc. Ph.D. Thesis. University of Nebraska.

Stukenholtz, D.D., R.J. Olsen, Gerald Gogan, and R.A. Olson. 1966. On the Mechanism of Phosphorus-Zinc Interaction in Corn Nutrition. Soil Sci. Soc. Amer. Proc. 30:759-763.

Stukenholtz, D.D. 1965-70. Eighty-seven Technical Bulletins on a variety of agronomic subjects for the use by U.S. Steel Farm Service Centers.

Stukenholtz, D.D. 1970. Is balanced Fertility Really Important? 21st Annual Proceeding of Pacific Northwest Plant Food Associations.

Stukenholtz, D.D. 1970. Balanced Fertility and The Law of Omission. Idaho Farmer Spring Fertilizer Issue.

Stukenholtz, D.D. 1971. Soil and Plant Testing Helps Attain Balanced Fertility. Idaho Regional Fertilizer Conference Proceedings.

4. OTHER SIGNIFICANT ACTIVITIES (CON'D)

a. Publications (Con'd)

Stukenholtz, D.D. 1971. Plant Analysis -- An Important Tool For Growers. Idaho, Utah, Washington, and Montana Farm Magazines Fertilizer Issues.

Stukenholtz, D.D. 1972. A Better Way to Fertilize. Annual Soil Fertility Issue. February 17 Idaho Farmer-Stockman.

Stukenholtz, D.D. 1972. A More Profitable Way to Irrigate. Annual Irrigation Issue. March 16 Idaho Farmer-Stockman.

Thompson, C.A., H.F. Rhodes, D.D. Warnes, P.H. Grabowski, and D.D. Stukenholtz. 1962. Nebraska Corn and Grain Experiments. Nebraska Outstate Testing Circular No. 105.

Ward, R.C., E.J. Langin, R.A. Olson, and D.D. Stukenholtz. 1963. Factors Responsible for Poor Response of Corn and Grain Sorghum to Phosphorus Fertilization: III. Effects of Soil Compaction, Moisture Level and Other Properties on P-Zn Relations. Soil Sci. Soc. Amer. Proc. 27:326-330.

Stukenholtz, D.D. Growers Should Remember Potassium. Potato Grower of Idaho Magazine. March 1990.

Stukenholtz, D.D. More Potassium for Soils. Potato Grower Magazine. September 1990.

Stukenholtz, D.D. Ag Consultants Play a Key Role. Potato Country Magazine. April 1991.

Stukenholtz, D.D. Humic Acids and Potatoes. Potato Country Magazine. March 1991.

b. Industry Activities

-Chairman of Utah Soil Improvement Committee

-Technical Program Chairman for Pacifex Northwest Plant Food Association. Summer Conference -- 1969.

-Technical Program Chairman for Idaho Fertilizer and Chemical Dealers Conference -- 1977, 78.

-Chairman of Southern Idaho Chemical Coordinating Group -- 1977, 78.

-Presented Paper at The Irrigation Association Conference in Kansas City, Mo., 1984.

-Presented Paper at Idaho Fertilizer/Chemical Conference -- 1990.

-Presented Paper at University of Idaho Potato Conference -- 1992.

-Presented Papers at "European Potato Seminar" in Munich, Germany -- 1992.

5. **MEMBERSHIP IN PROFESSIONAL AND HONORARY ORGANIZATIONS**

Alpha Zeta
Sigma Xi
Gamma Sigma Delta
National Honor Society
American Society of Agronomy
Soil Science Society of America
Idaho Soil Improvement Committee
Pacific Northwest Plant Food Association
Certified Professional Agronomist
Whos Who IN American West
Brd. Dir. Idaho Soil Fertility and Plant Protection Assn., Inc.
Vice President of Idaho Crop Production Association
President of Idaho Crop Production Association

6. **AWARDS**

Consultant of the Year 1994. American Cyanamid selected six regional crop consultants.
Dr. Stukenholtz was selected from the Western Region of 14 states.
Dale Stukenholtz was inducted into the Idaho Agricultural Hall of Fame in March 2000.

