

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/Claimant,
 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

Case No. 39576

Subcase No. 31-11845

**AFFIDAVIT OF MICHAEL P. TRIBE
 IN SUPPORT OF EMERGENCY
MOTION FOR CONTINUANCE**

STATE OF IDAHO

County of Minidoka

)
)
)
)
)
) ss.
)

Michael P. Tribe, being first duly sworn on oath, deposes and states:

1. That I am one of the attorneys representing Ben D. Jernberg and Idaho Properties, LLC in the above-entitled subcase.
2. That on November 30th I received a phone call from Paul Stukenholtz, the son of Dr. Dale Stukenholtz, who informed your affiant that his father had experienced a crippling heart attack the previous week.
3. That said heart attack was of such a magnitude that Dr.

AFFIDAVIT MICHAEL P. TRIBE

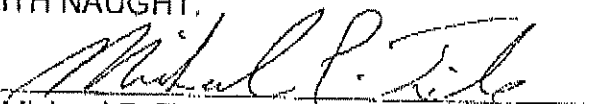
Stukenholtz's family believed he would not survive the heart attack.

4. That Dr. Stukenholtz has survived the heart attack but his condition is such that he will not be able to testify at the trial set for December 4-6 in Subcase No. 31-11845.

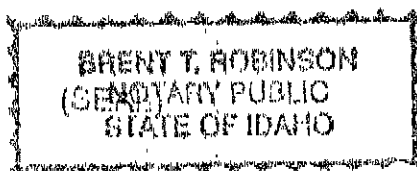
5. That Dr. Stukenholtz was to testify regarding the soil pits dug by the State of Idaho, the findings and conclusions of his expert report and provide rebuttal testimony to the testimony produced by the State of Idaho.

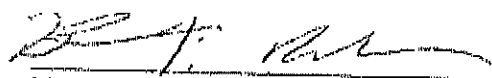
6. That it is your affiant's belief that the absence of Dr. Stukenholtz's testimony would materially affect the Claimants/Objector's case. A sufficient period of time is required before the trial can be reset to determine if Dr. Stukenholtz will recover such that he will be able to testify in this matter or enough time that Claimant/Objector's may locate a suitable replacement for Dr. Stukenholtz.

FURTHER THIS AFFIANT SAITH NAUGHT.


Michael P. Tribe

SUBSCRIBED AND SWORN to before me this 1st day of December, 2006.




Notary Public for Idaho
Residing at: Rosent T. Robinson
My Commission expires: 11/24/2012

CERTIFICATE OF SERVICE

I certify that on December 1, 2006, I served the original and copies of this *Affidavit in Support of Emergency Motion Requesting Continuance* via U.S. mail, postage prepaid, to the following:

1. Original faxed to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Facsimile: (208) 736-2121

2. Copies faxed to:

Director of IDWR
P. O. Box 83720
Boise, Idaho 83720-0098

Facsimile: (208) 287-6700

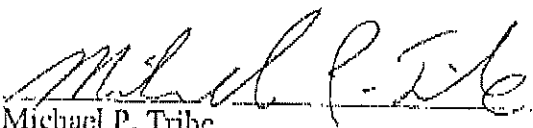
David J. Barber
David L. Stanish
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Facsimile: (208) 334-2690

3. Copies mailed to:

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724


Michael P. Tribe

AFFIDAVIT MICHAEL P. TRIBE