

CHARLES L. HONSINGER (ISB #5240)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 455
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657
Attorneys for Claimants The Terteling Company, Inc.

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 Nos. 63-5284
Case 38576	)	
	)	CORRECTED AFFIDAVIT OF
	)	CHARLES L. HONSINGER IN SUPPORT
	)	OF MOTION TO COMPEL
	)	
	)	
_____	)	
STATE OF IDAHO	)	
	) ss	
COUNTY OF ADA	)	

CHARLES L. HONSINGER, being first duly sworn upon his oath, deposes and says that:

1. I am the attorney for the objector, The Terteling Company, Inc. in the above captioned Snake River Basin Adjudication subcase.

2. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.

3. On March 26, 2007, on behalf of my client, I submitted The Terteling Company Inc.'s First Set of Interrogatories and Requests for Production to Claimant Charles Gibson. A Notice of Service of the same was filed with the SRBA District Court on March 27, 2007.

CORRECTED AFFIDAVIT OF CHARLES HONSINGER IN SUPPORT OF MOTION TO
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COPY

4. On or about April 26, 2007, I received a telephone call from Claimant Charles Gibson. Mr. Gibson informed me that his responses to the discovery propounded by The Terteling Company, Inc. would not be transmitted to my by the due date because he would be out of town. I agreed to grant Mr. Gibson a reasonable extension.

5. On May 31, 2007, I sent a letter to Mr. Gibson requesting that he respond to the discovery requests. A true and accurate copy of that letter is attached hereto as Exhibit "A".

6. On or about July 31, 2007, attorney Dana Hofstetter filed a Notice of Appearance informing the Court and parties that she would be representing Mr. Gibson in this matter.

7. On August 13, 2007, I sent a letter to Ms. Hofstetter requesting that she respond to the discovery requests served on March 26, 2007, and included a copy of the same for her records. A true and accurate copy of my August 13, 2007 letter to Ms. Hofstetter is attached hereto as Exhibit "B".

8. On August 14, 2007, I received an e-mail message from Dana Hofstetter requesting that I provide her with an electronic copy of the discovery requests served upon Mr. Gibson. A true and accurate printed copy of that e-mail message is attached hereto as Exhibit "C".

9. On August 14, 2007, I provided Ms. Hofstetter with an electronic copy of the discovery requests served on Mr. Gibson via electronic mail. A true and accurate printed copy of that e-mail message is attached hereto as Exhibit "D".

10. On September 14, 2007, I sent a letter to Ms. Hofstetter explaining the necessity that the discovery responses be provided as soon as possible. A true and accurate printed copy of that letter is attached hereto as Exhibit "E".

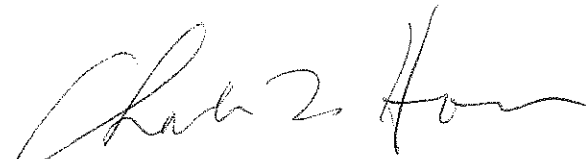
11. To date, I have not received responses to the discovery requests served on Mr. Gibson on March 26, 2007.

12. I.R.C.P. 37(b)(2) provides that a party may move for an Order compelling discovery if a party fails to respond to discovery.

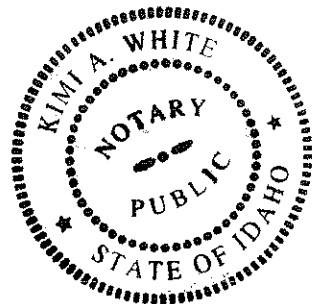
13. I hereby certify that I have attempted to confer with Mr. Gibson's attorney in good faith in an attempt to secure the requested discovery responses without resorting to a motion to compel in compliance with I.R.C.P. 37(a)(2). Such good faith attempt is evidenced by the attachments hereto.

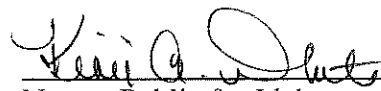
Further your affiant sayeth naught.

DATED this 28th day of September, 2007.

By: 
Charles L. Honsinger

Sworn to and subscribed before me this 28th day of September, 2007.




Notary Public for Idaho
Residing in Boise, Idaho
My Commission Expires: 2/24/10

CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing document was made this 28th day of September, 2007, by mailing a copy thereof, postage prepaid, to each of the parties listed below.

Dana Hofstetter
Hofstetter Law Office, LLC
608 W. Franklin Street
Boise, ID 83702
Fax: (208)424-8744

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

A handwritten signature in cursive script, reading "Charles L. Honsinger", written in black ink. The signature is positioned above a horizontal line.

Charles L. Honsinger

RINGERT
CLARK
CHARTERED
LAWYERS

Laura E. Bum
Jeffrey R. Christensen
David P. Claiborne
D. Blair Clark
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson

May 31, 2007

William F. Ringert, of Counsel
Allyn L. Sweeney, of Counsel
Samuel Kaufman (1921-1986)

Charlie Gibson
5125 Bogus Basin Road
Boise, Idaho 83702

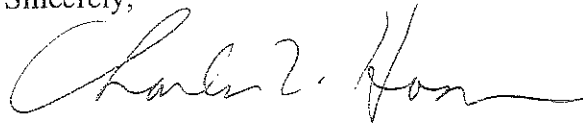
Re: Discovery Responses in SRBA Subcase No. 63-5284

Dear Mr. Gibson:

Responses to the discovery requests served on you by The Terteling Company, Inc. were due on April 26, 2007. On or about that date, you contacted me to inform me that you would be out of town for a short while and would be unable to have your responses to me by the due date. I informed you that so long as the responses were forthcoming in a relatively timely manner, that I would not object to their lateness.

Now, however, the responses are more than one month late. Please respond to the discovery requests by June 15, 2007 to avoid the time and expense of a Motion to Compel. I look forward to receiving your responses. Thank you.

Sincerely,



Charles L. Honsinger

cc: Andy Terteling

EXHIBIT A

RINGERT
♦ CLARK
CHARTERED
LAWYERS

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson

William F. Ringert, of Counsel
Allyn L. Sweeney, of Counsel
Samuel Kaufman (1921-1986)

August 13, 2007

Ms. Dana Hofstetter
Hofstetter Law Office, LLC
608 W. Franklin Street
Boise, ID 83702
Fax: (208)424-8744

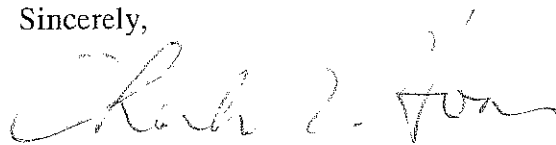
Re: SRBA Subcase No. 63-5284

Dear Dana:

We recently received your Notice of Appearance in the above-referenced subcase. Given your recent entry into the subcase, I wanted to apprise you of The Terteling Company, Inc.'s pending discovery requests to Mr. Gibson. The discovery requests were served on March 26, 2007. I have requested in writing that Mr. Gibson respond. Would you please provide prompt responses to the discovery requests?

I am enclosing a copy of both the requests and the Notice of Service for your records. Please contact me with any questions or concerns.

Sincerely,



Charles L. Honsinger

enclosures

cc: client

EXHIBIT 9

Kimi White

From: Hofstetter Law Office [Dana@IdahoWaterLaw.com]
Sent: Tuesday, August 14, 2007 1:14 PM
To: Charlie Honsinger
Subject: SRBA 63-5284

Charlie:

I received your letter regarding the 63-5284 Discovery Requests today.
Could you e-mail me the Word version of these Discovery Requests?

Thank you,
Dana Hofstetter

Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774

EXHIBIT C

Kimi White

From: Charlie Honsinger
Sent: Tuesday, August 14, 2007 3:35 PM
To: 'Hofstetter Law Office'
Subject: RE: SRBA 63-5284



discoveryrequests.w
pd (36 KB)

Dana:

Here they are.

Thanks.

clh

-----Original Message-----

From: Hofstetter Law Office [mailto:Dana@IdahoWaterLaw.com]
Sent: Tuesday, August 14, 2007 3:00 PM
To: Charlie Honsinger
Subject: Re: SRBA 63-5284

WordPerfect is fine - Thank you.

Dana

Charlie Honsinger wrote:

>I'll e-mail it to you, but it is in Word Perfect format, not Word. Is
>that OK?

>
>Charlie

>
>-----Original Message-----

>From: Hofstetter Law Office [mailto:Dana@IdahoWaterLaw.com]
>Sent: Tuesday, August 14, 2007 1:14 PM
>To: Charlie Honsinger
>Subject: SRBA 63-5284

>
>Charlie:

>
>I received your letter regarding the 63-5284 Discovery Requests today.
>Could you e-mail me the Word version of these Discovery Requests?

>
>Thank you,
>Dana Hofstetter

>
>Hofstetter Law Office, LLC
>608 West Franklin Street
>Boise, Idaho 83702
>Telephone: (208) 424-7800
>Facsimile: (208) 424-8774

>
>
>
>

EXHIBIT D

September 17, 2007

William F. Ringert, of Counsel
Allyn L. Sweeney, of Counsel
Samuel Kaufman (1921-1986)

Joe Terteling
Andy Terteling
The Terteling Company, Inc.
1665 Hill Road
Boise, ID 83702
Fax: (208)381-5200

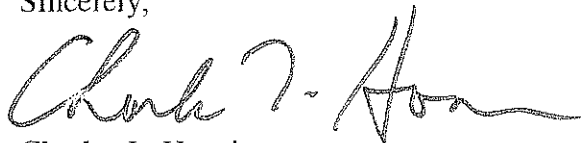
Re: Gibson SRBA Objection

Dear Joe and Andy:

Enclosed please find copies of the Disclosure Lay Witnesses filed by Charlie Gibson in the above matter, together with his first set of discovery to which we must respond by October 15, 2007.

I will begin preparing our discovery responses for your review and our discussion. In the meantime, please review Mr. Gibson's list of witnesses and let me know what your thoughts are about each person's potential testimony.

Sincerely,



Charles L. Honsinger

enclosures

EXHIBIT E