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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Claimants The Terteling Company, Inc., and T-7, LLC

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AFFIDAVIT OF J.L. TERTELING IN SUPPORT OF
MOTION TO AMEND SRBA CLAIM NO. 63-31050

STATE OF IDAHO

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) ss

COUNTY OF ADA

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J.L. TERTELING, being first duly sworn upon his oath, deposes and says that:

1. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
2. The purpose of this affidavit is to provide information regarding the priority date and quantity claimed by T-7, LLC for water right no. 63-31050.
3. My family has owned the Terteling Ranch in Stewart Gulch (comprised of the lands to which the water right referenced above are appurtenant) since June 12, 1944 when my father purchased the property. Consequently, I have lived on the Terteling Ranch for most of my life. I have extensive knowledge regarding the use of water right no. 63-31050 because I have worked on, irrigated and developed the property on which I live throughout my life. I am a trustee of Terteling Trust No.7,

AFFIDAVIT OF J. L. TERTELING IN SUPPORT OF MOTION TO AMEND SRBA CLAIM
NO. 63-31050 -- Page 1

605

which, along with The Terteling Company, Inc. (in which Company I am also a principle) and T-7, LLC, has an interest in the land that comprises the Terteling Ranch.

4. In 1943 and early 1944, before my father's June 1, 1944 purchase of 160 acres in Peaceful Cove on the Terteling Ranch where my current home is now located, he and I made several trips to the area to observe the ranch.

5. During one of these visits, I recall sitting above the "Lily Pad" flowing artesian well below the old home that I eventually replaced with my current home and observing that it was irrigating the field immediately to its south. I also observed that water from the "Lily Pad" flowing artesian well was used to water livestock and contributed to downstream fish and wildlife habitat.

6. I recall that my father had the "Pool Well" drilled in about 1947. This well was eventually completed to be two wells: a cold artesian well (for which T-7, LLC has submitted claim to water right no. 63-31050 in the Snake River Basin Adjudication), and a hot pumped well.

7. Once the cold "Pool Well" started flowing, the water level in the "Lily Pad" well dropped such that it no longer flowed. This did not matter to us because the cold "Pool Well" water was used for the same uses as was the "Lily Pad" well. Although we have not used the "Lily Pad" well since the time that it stopped flowing, it still exists. It is cased with a pipe with an outside diameter of 4 ½ inches.

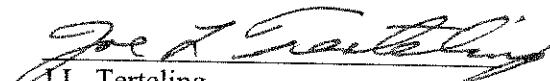
8. In February of 1970, I had Wallace N. Cory, Project Engineer for Cornell, Howland, Hayes & Merrifield Engineers and Planners measure the flow of the Cold Pool well from which water right no. 63-31050 is diverted. Mr. Cory measured a flow of .092 cfs from the Cold Pool well. Attached hereto as Exhibit "A" is a true and accurate copy of a letter dated February 24, 1970 from Mr.

Wallace to myself in which the flow is set forth (the handwritten notations on the document are my own notes to myself).

9. T-7, LLC and The Terteling Company, Inc. have filed numerous SRBA claims to water rights in both Basin 63 and Basin 65 covering their properties in both of those basins.

10. Because we have filed so many claims, it is difficult for me to remember the specifics regarding each water right we have claimed in the Snake River Basin Adjudication. I originally claimed water right no. 63-31050 with a 1948 priority date based upon the date that my father drilled the "Cold Pool" well mentioned above. I now understand that the "Cold Pool" well replaced the "Lily Pad" well and served exactly the same purposes as did the "Lily Pad" well. Accordingly, after consulting with my attorney, it is now my understanding that an accomplished transfer of the water right from the "Lily Pad" well to the "Cold Pool" well took place at the time that the "Cold Pool" well was drilled. I now understand that I should have claimed a priority date for water right no. 63-31050 related to the uses of the "Lily Pad" well, and am attempting to do so through the Motion to Amend Claim filed herewith.

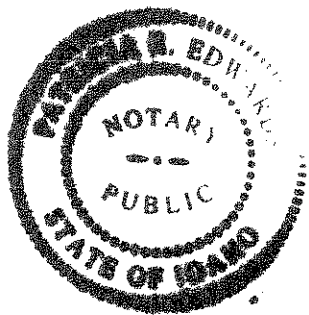
Further your affiant sayeth naught.


J.L. Terteling

STATE OF IDAHO)
)ss.
County of Ada)

On this 31 day of October, 2007, before me, the undersigned, a notary public in and for said state, personally appeared J.L. TERTELING, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Patricia A. Edwards
Notary Public for State of ID County of Ada
Residing at Bow, ID 83702
My Commission Expires: 12/28/2012

CERTIFICATE OF SERVICE

I certify that on this 11th day of November, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

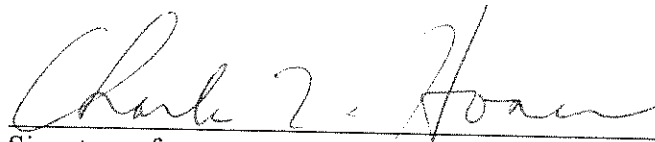
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

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



Signature of person or attorney mailing form