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DEPARTMENT OF  
WATER RESOURCES

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IDAHO STATE BAR NO. 1693  
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Attorney for Claimant  
Harry S. and Diane J. Rinker Revocable Trust

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: 37-04192                   |
| Case No. 39576 | <b>AFFIDAVIT OF<br/>ELIZABETH TEWS</b> |

STATE OF IDAHO     )  
                              :SS.  
County of Jerome     )

Elizabeth Tews, first being duly sworn and deposed, says as follows:

1. I currently reside at 680 North, 350 West, Shoshone, Idaho 83352.
2. I make this Affidavit of my own personal knowledge.
3. I am familiar with the place of use claimed under Water Right No. 37-4192. I first observed the real property constituting the place of use in 1940.

4. I have examined the aerial photograph dated August 23<sup>rd</sup>, 1957, entitled "Rinker-Rock Creek", a copy of which is attached hereto as **EXHIBIT A**.

5. I was married to Lawrence Tews. Lawrence and I were married in 1947. We remained husband and wife until 1998 when Lawrence passed away.

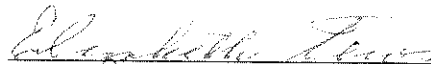
6. Lawrence Tews, and his brothers, William Tews and Clarence Tews, acquired the real property known as The Rock Creek Ranch in 1943. The Rock Creek Ranch included the "Y" shaped portion of real property outlined in orange on the Rinker-Rock Creek photograph attached hereto as **EXHIBIT A**.

7. The "Y" shaped area, outlined in orange on **EXHIBIT A** attached hereto, was being farmed in 1940 when I first became acquainted with the property. Lawrence Tews and his brothers continued farming that portion of the real property from 1943 forward. Crops grown on the real property were wheat and other grain crops. Water from Rock Creek was used to irrigate the property.

10. Mary Tews, who is the wife of William Tews, the brother of my husband Clarence, has frequently told me that she recalls the "Y" shaped portion of the real property, outlined in orange on **EXHIBIT A** attached hereto, being farmed by the Riordan family and others as early as 1937.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

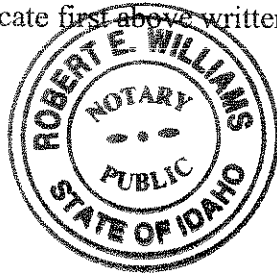
DATED this 15 day of February, 2008.

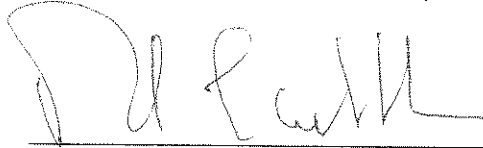
  
ELIZABETH TEWS

STATE OF IDAHO )  
 )  
 ) :ss.  
County of Jerome )

On this 15<sup>th</sup> day of February, 2008, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ELIZABETH TEWS, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that she executed the same.

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

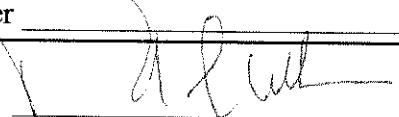


  
NOTARY PUBLIC for Idaho  
Residing at: Jerome  
Commission Expires: 1/27/11

### CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 15<sup>th</sup> day of February, 2008, I caused to be served the foregoing document as follows:

|                                                                            |                                                                                                                                                                                                             |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Idaho Department of Water Resources<br>PO Box 83720<br>Boise ID 83720-0098 | <input checked="" type="checkbox"/> Via US Mail, Postage Paid<br><input type="checkbox"/> Via Facsimile -<br><input type="checkbox"/> Hand-Delivered - Court Folder<br><input type="checkbox"/> Other _____ |
| Marguerite E Tews<br>PO Box 161<br>Shoshone ID 83352                       | <input checked="" type="checkbox"/> Via US Mail, Postage Paid<br><input type="checkbox"/> Via Facsimile -<br><input type="checkbox"/> Hand-Delivered - Court Folder<br><input type="checkbox"/> Other _____ |
| William G Tews<br>513 Golf Course Rd<br>Jerome ID 83338                    | <input checked="" type="checkbox"/> Via US Mail, Postage Paid<br><input type="checkbox"/> Via Facsimile -<br><input type="checkbox"/> Hand-Delivered - Court Folder<br><input type="checkbox"/> Other _____ |
| Lawrence Z. Tews<br>680 N 350W<br>Shoshone ID 83352                        | <input checked="" type="checkbox"/> Via US Mail, Postage Paid<br><input type="checkbox"/> Via Facsimile -<br><input type="checkbox"/> Hand-Delivered - Court Folder<br><input type="checkbox"/> Other _____ |

  
ROBERT E. WILLIAMS

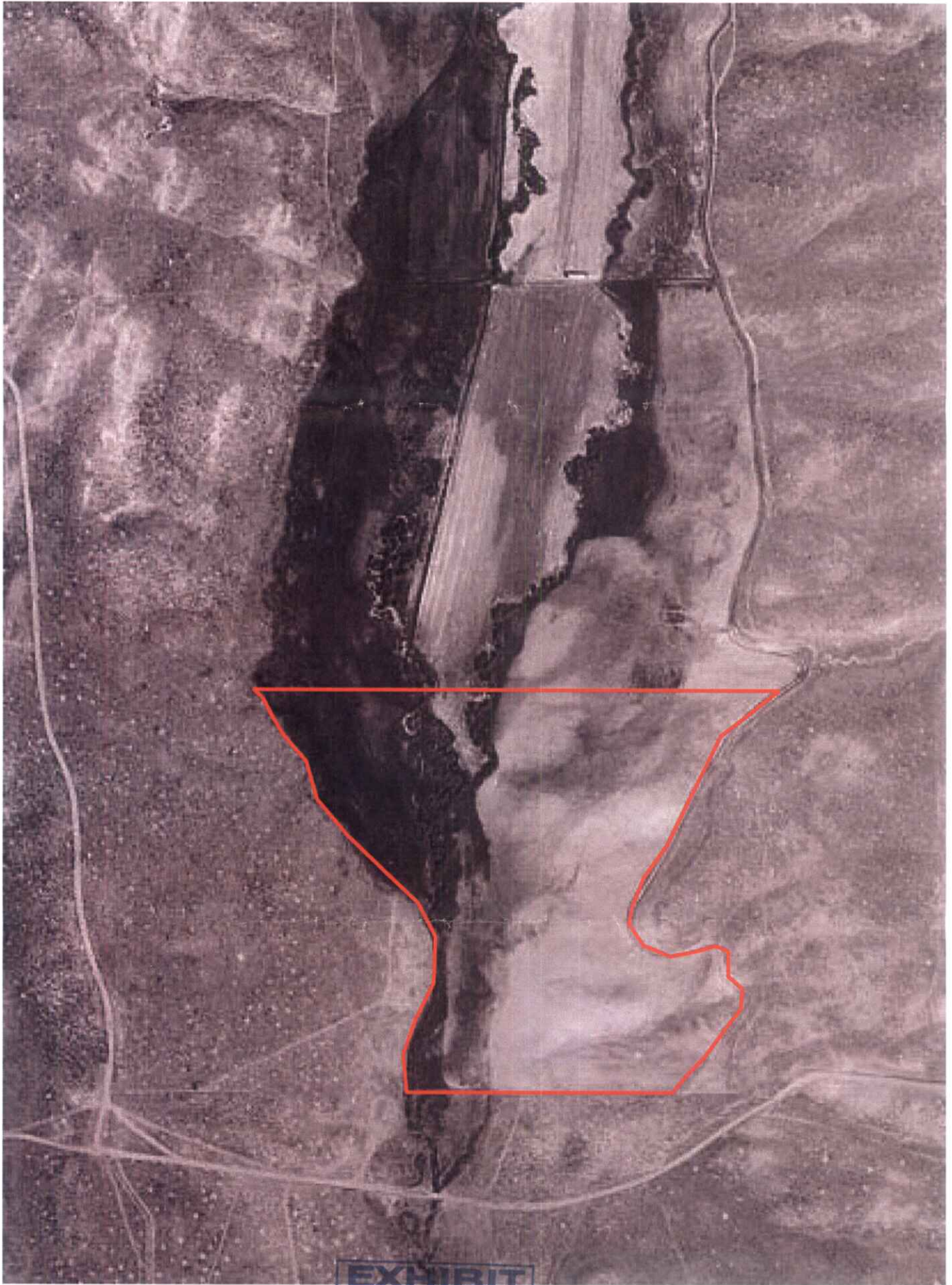


**EXHIBIT**  
**A**

RINKER-ROCK CREEK  
HISTORICAL AERIAL 8-23-1957