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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. 37-07645 **AFFIDAVIT OF ANDREW J. WALDERA IN SUPPORT OF MOTION TO FILE LATE OBJECTION AND REQUEST FOR EXPEDITED HEARING**

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Andrew J. Waldera having been duly sworn upon oath, deposes and states as follows:

1. I am one of the attorneys providing legal services to Newfoundland Partners (hereinafter "Newfoundland") in the above-captioned matter.

2. I have knowledge of the files in this matter, and I make this affidavit based upon personal knowledge.

3. I make this affidavit in support of Newfoundland's Motion to File Late Objection and Request for Expedited Hearing.

4. On November 14, 2007, Tom O'Gara, John F. Stevenson, Bill Molyneux, Pete Van Der Meulen, Grace Eakin, Rocky Sherbine, Gerald Bashaw, Pepin Corso-Harris, and the Big Wood Canal Company (hereinafter "Concerned Water Users") filed objections to multiple water rights, including Newfoundland's water right number 37-12130.

5. Neither Newfoundland nor I were served with notice of Concerned Water Users' objections to the water right.

6. Newfoundland and I did not become aware of Concerned Water Users' objection until December 18, 2007 during the investigation of a series of similar objections filed against Sinclair Oil Corporation's (Sun Valley Company) water rights.

7. The Concerned Water Users objected to Newfoundland's water right asserting that:

> Under Idaho Code 42-1501, aesthetic, wildlife and recreation are not beneficial uses authorized by the Idaho legislature or Constitution to be held in the name of private entities. If such uses are allowed, the right cannot carry a priority date earlier than the first date that the legislature authorized that beneficial use to be held by a private party.

8. The objection period for Basin 37 ended on November 14, 2007, which was the same day in which Concerned Water Users filed their objections at issue in this case.

9. After discovering the existence of Concerned Water Users' objections, and out of concern for potential law of the case ramifications, my office worked diligently to prepare Standard Form Responses for 66 of the Concerned Water Users' objections.

10. After preparing and filing the above-referenced responses, my office next turned its attention to the review of approximately 190 water rights held among Concerned Water Users to determine whether their water rights are subject to any of the same objections raised by them, or others.

11. This extensive water right review process is time consuming and ongoing. At present, this office is awaiting receipt of approximately 150 water right back files that are not available on the Idaho Department of Water Resources' website.

12. To date, no initial hearings have been scheduled, no schedule for trial has been entered, and no settlements between any of the parties have occurred.

Further your affiant sayeth naught.

DATED this 7th day of March, 2008.

Andrew J. Waldera

SUBSCRIBED AND SWORN to before me this 7th day of March, 2008.

JAMIE R. JODWISCHAT NOTARY PUBLIC STATE OF IDAHO

NOTARY PUBLIC FOR IDAHO
Residing at Nampa
My Commission Expires 5-23-12

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of March, 2008, I caused a true and correct copy of the foregoing **AFFIDAVIT OF ANDREW J. WALDERA IN SUPPORT OF MOTION TO FILE LATE OBJECTION AND REQUEST FOR EXPEDITED HEARING** to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front St., 6th Floor
P.O. Box 83720
Boise, ID 83720-0098
Fax: (208) 287-6700

(X) U.S. Mail, Postage Prepaid
( ) Hand Delivered
( ) Overnight Mail
( ) Facsimile

Chief, Natural Resources Division
Office of the Attorney General
STATE OF IDAHO
P.O. Box 44449
Boise, ID 83711-4449
Fax: (208)

(X) U.S. Mail, Postage Prepaid
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( ) Overnight Mail
( ) Facsimile

UNITED STATES DEPARTMENT OF JUSTICE
Environment & Natural Resource Division
550 W. Fort St., MSC 033
Boise, ID 83724
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John F. Stevenson
36 Hillside Ranch Rd.
Bellevue, ID 83313
Claimant

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( ) Overnight Mail
( ) Facsimile

Andrew J. Waldera