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DEPARTMENT OF  
WATER RESOURCES

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Attorneys for Claimants The Terteling Company, Inc.

|                |      |                                                |
|----------------|------|------------------------------------------------|
| IN RE SRBA     | )    | SUBCASE NO. 63-31058                           |
|                | )    |                                                |
| CASE 38576     | )    | AFFIDAVIT OF ANDREW J. TERTELING IN SUPPORT OF |
|                | )    | MOTION TO FILE AMENDED CLAIM                   |
|                | )    |                                                |
| _____          | )    |                                                |
| STATE OF IDAHO | )    |                                                |
|                | ) ss |                                                |
| COUNTY OF ADA  | )    |                                                |

ANDREW J. 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. I am the Vice-President of The Terteling Company, Inc., the claimant to water right no. 63-31058 (in addition to various other water rights) and make this affidavit in that capacity. In my capacity as Vice-President, I am generally aware of all aspects of management of properties owned by The Terteling Company, Inc., including irrigation and water right aspects.
3. I first began involvement in the water rights claimed by The Terteling Company, Inc. when I was hired as the Vice-President approximately three years ago.

AFFIDAVIT OF ANDREW J. TERTELING IN SUPPORT OF MOTION TO FILE AMENDED CLAIM - Page 1

COPY

4. The Terteling Company, Inc. and T-7, LLC (a related entity) have claimed nearly 30 water rights from various sources, including many groundwater rights. As a result of the importance of ground water to The Terteling Company, Inc.'s wholesale nursery business and its irrigation interests, I have focused my attention upon ground water rights claimed in the SRBA in an attempt to learn as much as possible about them.

5. As the SRBA has progressed I have been able to spend more time learning about all of the water rights claimed by The Terteling Company, Inc., including the surface water rights claimed with Stewart Gulch Creek as their source.

6. Earlier this year, The Terteling Company Inc.'s expert water rights investigator Ed Squires informed me that he had done a preliminary investigation and believed that water right no. 63-31058 had been recommended as disallowed by IDWR in error. Water right no. 63-31058 was claimed on the upper portion of the Terteling Ranch - an area where I have spent very little time, and an area that my brother Steve (since deceased) had managed and irrigated.

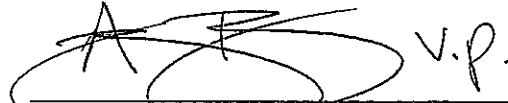
7. As a result of my unfamiliarity with the area, and my concern over the recommended disallowal of water right no. 63-31058, I requested that Mr. Squires do a full investigation of the diversion and distribution system through which water right no. 63-31058 is diverted with the intent that the water right would be properly claimed by amending the existing claim.

8. As a result of Mr. Squires' investigation, we are amending our claim to water right no. 63-31058 to claim additional irrigation and other uses located on the Terteling Ranch that

have not been previously claimed, all of which I was previously unaware.

9. A copy of the Amended Claim to Water Right No. 63-31058 proposed to be filed is attached hereto.

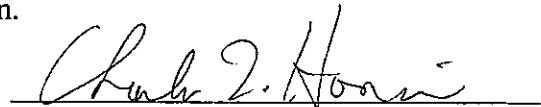
Further your affiant sayeth naught.

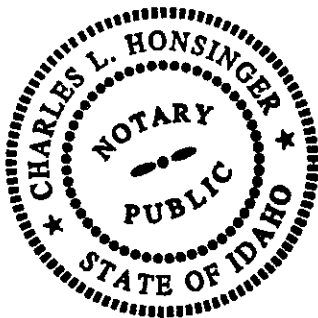
  
\_\_\_\_\_  
Andrew J. Tertling Terteling

STATE OF IDAHO                    )  
                                          )ss.  
County of Ada                    )

On this 26<sup>th</sup> day of November, 2008, before me, the undersigned, a notary public in and for said state, personally appeared ANDREW J. 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.

  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at Boise, Idaho  
My Commission Expires: 7/30/2010



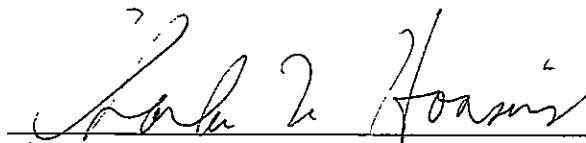
**CERTIFICATE OF MAILING**

I certify that on December 29, 2008, 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:

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

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

A handwritten signature in cursive script, appearing to read 'Dana Hofstetter', is written over a horizontal line.

Signature of person mailing form