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DEPARTMENT OF
WATER RESOURCES

CHARLES L. HONSINGER (ISB #5240)
JON GOULD (ISB #6709)
RINGERT LAW CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657
Attorneys for Claimants The Terteling Company, Inc.

IN RE SRBA	)	
	)	SUBCASE NO. 63-33148
	)	
CASE 38576	)	AFFIDAVIT OF ANDREW J. TERTELING IN SUPPORT
	)	OF MOTION TO FILE LATE 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 various water rights in the SRBA, 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 LATE
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 various spring water rights on the Terteling ranch.

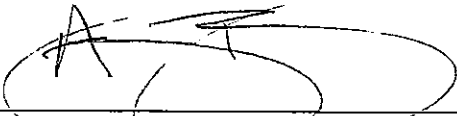
6. Earlier this year, The Terteling Company Inc.'s expert water rights investigator Ed Squires informed me that he had done a preliminary investigation and that The Terteling Company, Inc. had failed to claim springs used for stockwater, aesthetic, and wildlife purposes on the upper Terteling ranch - an area where I have spent very little time.

7. I requested that Mr. Squires do a full investigation of the unclaimed water rights on the upper Terteling ranch with an eye towards making SRBA claims for the same.

8. As a result of Mr. Squires' investigation, we are filing a late claim to developed springs located on the upper Terteling Ranch that have not been previously claimed, and of which I was previously unaware.

9. A copy of the late claim to water right proposed to be filed by The Terteling Company, Inc. is attached hereto

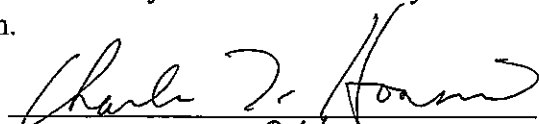
Further your affiant sayeth naught.

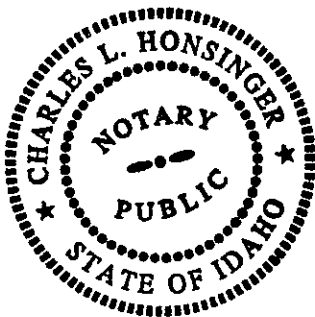

Andrew J. Terteling Terteling

STATE OF IDAHO)
)ss.
County of Ada)

On this 26th 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: 7/20/2010

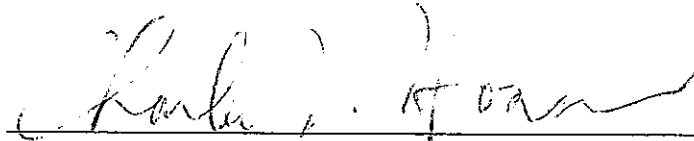


CERTIFICATE OF MAILING

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



Signature of person mailing form