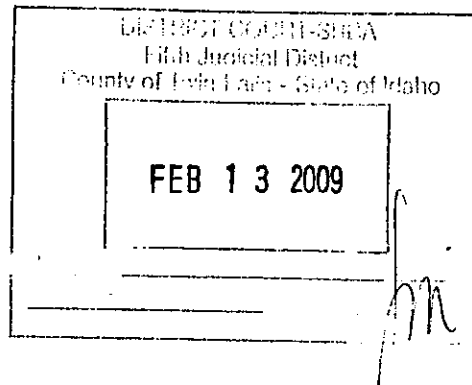


Scott L. Campbell, ISB No. 2251
Andrew J. Waldera, ISB No. 6608
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
23091.0000



In Re SRBA
Case No. 39576

**AFFIDAVIT OF ANDREW J. WALDERA IN
SUPPORT OF OPPOSITION TO BARRY'S
MOTION TO FILE LATE OBJECTION**

STATE OF IDAHO)
) ss.
County of Ada)

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

1. I am licensed to practice law in the State of Idaho. I represent Olsen Livestock Consultants, Inc. in the above-captioned matter and have access to the files that are pertinent to this matter. I make this affidavit based upon personal knowledge.

2. Attached hereto as Exhibit A are true and correct copies of the September 25, 1996 Warranty Deed conveying Lot 2, Block 1 of the Dean Ranch Subdivision, with appurtenances, from Robert and Sharyl Head to Olsen Livestock Consultants, Inc., as well as the 1975 plat map of the Dean Ranch Subdivision.

3. Attached hereto as Exhibit B is a true and correct copy of the portions of the *Frost Decree* pertinent to Lot 2, Block 1 of the Dean Ranch Subdivision.

4. Attached hereto as Exhibit C are true and correct copies of correspondence received by the Idaho Department of Water Resources on August 4, 1997 from Water District No. 37 and Wood River Valley Irrigation District No. 45.

5. Attached hereto as Exhibit D is a true and correct copy of the chain of title pertinent to Lot 2, Block 1 of the Dean Ranch Subdivision.

6. Attached hereto as Exhibit E are true and correct copies of the July 22, 1997 Preliminary Order and the August 25, 1997 Amended Preliminary Order issued by the Idaho Department of Water Resources disposing of the 1997 Olsen Livestock Consultants, Inc. administrative delivery call proceeding.

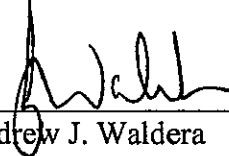
7. Attached hereto as Exhibit F is a true and correct copy of correspondence from James Eakin, Director and Manager of the Wood River Valley Irrigation District No. 45, dated May 5, 1997.

8. Attached hereto as Exhibit G is a true and correct copy of correspondence from Sherl L. Chapman of Sherl L. Chapman Consulting, Inc. regarding his investigation of water right no. 37-00353J, dated May 19, 1997.

9. Attached hereto as Exhibit H are true and correct copies of the September 3, 1998 Amended Notice of Claim to a Water Right in the name of Olsen Livestock

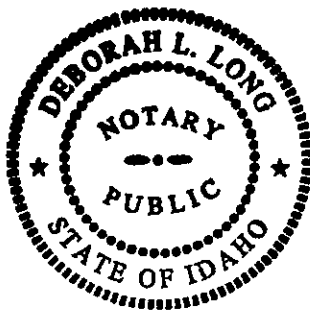
Consultants, Inc.; correspondence from Sherl L. Chapman of Sherl L. Chapman Consulting, Inc. regarding irrigation diversion infrastructure upgrade and modification options for Lot 2, Block 1 of the Dean Ranch Subdivision, dated January 5, 1998; and correspondence from counsel for Wood River Valley Irrigation District No. 45 regarding the District's desired irrigation delivery infrastructure alternative for service to Lot 2, Block 1 of the Dean Ranch Subdivision, dated February 5, 1998.

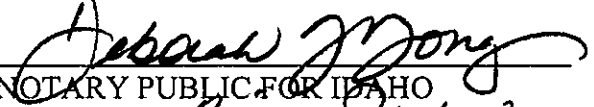
Further your affiant sayeth naught.



Andrew J. Waldera

SUBSCRIBED AND SWORN to before me this 12th day of February, 2009.





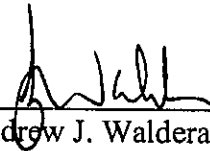
NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
My Commission Expires 10/10/2013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of February, 2009, I caused a true and correct copy of the foregoing **AFFIDAVIT OF ANDREW J. WALDERA IN SUPPORT OF OPPOSITION TO BARRY'S MOTION TO FILE LATE OBJECTION** to be served by the method indicated below, and addressed to the following:

Travis L. Thompsen
Paul L. Arrington
BARKER ROSHOLT & SIMPSON, LLP
113 Main Avenue West, Suite 303
P.O. Box 485
Twin Falls, Idaho 83303-0485
Fax: (208) 735-2444

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Overnight Mail
☐ Facsimile



Andrew J. Waldera

**EXHIBITS TO AFFIDAVIT
ON FILE WITH THE
COURT**

To request a copy, (\$1.00 per page) please contact
Clerk of the Court at 208-736-3011.