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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Jerry Turco

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. 37-20348

AFFIDAVIT OF JERRY TURCO, JR. IN
 SUPPORT OF MOTION TO FILE LATE
 OBJECTION

I, JERRY TURCO, JR., being first sworn upon oath, deposes and hereby states as follows:

1. I own property in Blaine County, Idaho, am over the age of 18 and this Affidavit is based upon my personal knowledge.
2. On September 29, 1997, I purchased Lot 10, Block 1 of the Dean Ranch Subdivision located in Blaine County, Idaho. I continue to own the land.
3. In October of 2000, with the assistance of my then legal counsel I caused to be filed a Notice of Claim to a Water Right for water right number 37-20348.

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4. Water right number 37-20348 is the only irrigation water right applied to Lot 10, Block 1 of the Dean Ranch Subdivision. Without this water right, I cannot irrigate the vast majority of Lot 10, Block 1 of the Dean Ranch Subdivision.

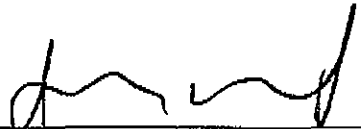
5. I first became aware of the recommendation for disallowance pursuant to the Proposed Settlement for Claims Filed Against Decreed Right 37-353, a letter written by Kelly K. Christensen, Sr. Water Resource Agent, dated August 4, 2009.

6. Prior to receipt of Mr. Christensen's letter of August 4, 2009, I was unaware of the need to file an objection and previously did not file an objection to the recommendation.

7. Upon learning of the need to file an objection, I promptly hired Timothy W. Tyree of the law firm Hawley Troxell Ennis & Hawley LLP to research the merits of my claim to water right 37-20348.

8. Through Mr. Tyree's research, I have obtained aerial photography showing the field on Lot 10, Block 1 of the Dean Ranch Subdivision cultivated and ready to receive water. Therefore, I believe irrigation water right number 37-20348 has been put to beneficial use on the property.

Further, your affiant sayeth naught.



Jerry Turco, Jr.

STATE OF New Jersey
County of Bergen) ss.

SUBSCRIBED AND SWORN before me this 27th day of August, 2009.

MaryAnn Gingerelli-Yaniga
Name:

Notary Public for New Jersey

Residing at 9 Delia Terrace, Belleville, NJ 07109

My commission expires Jan. 30, 2013

MARYANN GINGERELLI-YANIGA

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires Jan. 30, 2013.

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