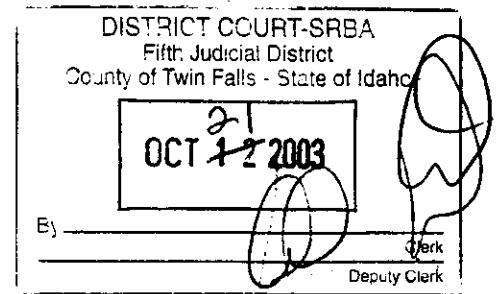


Louis L. "Leon" and Iris B. Hubsmith

Dana L. Hofstetter, ISB # 3867
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY**

In Re SRBA	)	
	)	
	)	Subcase Nos. 37-07454 and 37-07602
	)	
Case No. 39576	)	AFFIDAVIT OF DANA L. HOFSTETTER,
	)	REGARDING SEPTEMBER 2, 1984 AERIAL
	)	PHOTOGRAPH
	)	
	)	
_____	)	
STATE OF IDAHO	)	
	) ss.	
COUNTY OF ADA	)	

Dana L. Hofstetter, being first being duly sworn upon oath, deposes and says:

(1) I am Dana L. Hofstetter, counsel of record in this matter for Louis L. "Leon" and Iris B. Hubsmith.

(2) On May 12, 2003, I caused to be faxed to the Farm Service Agency's Aerial Photography Field Office in Salt Lake City, Utah, a letter requesting information regarding the

availability of aerial photographs for the years 1977 and 1984 for the Hubsmiths' property which is the subject of these proceedings. I had previously determined from the Farm Service Agency's website that aerial photographs were available for Lincoln County, Idaho for the years 1977 and 1984, but not for any intervening years between 1977 and 1984. A true and correct copy of this letter, with its attachments and facsimile confirmation, is attached hereto as Exhibit A.

(3) In response to my May 12, 2003 letter, I received a fax from the Farm Service Agency dated June 4, 2003 attached hereto as Exhibit B. This June 4, 2003 fax indicated that aerial photographs for the years 1977 and 1984 were available for the subject Hubsmith property.

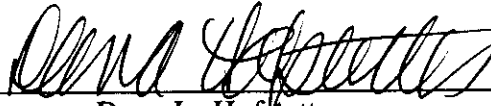
(4) On or about June 30, 2003, I ordered certified copies of the 1977 and 1984 aerial photographs referenced in Exhibit B.

(5) In response to my order, on or about July 21, 2003, I received the certified aerial photograph attached hereto as Exhibit AERIAL 1984 as well as a 1977 aerial photograph. The photograph attached as Exhibit AERIAL 1984 bears the date 9-2-84 and the identifying code HAP-84-243-76L. A copy of the packing slip which accompanied the aerial photographs is attached hereto as Exhibit C.

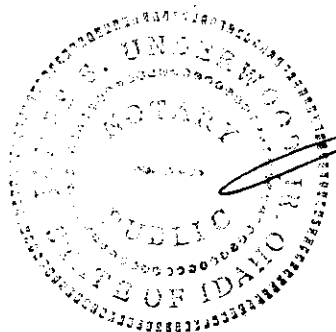
(6) After receiving Exhibit AERIAL 1984, I outlined with removable white tape what I determined to be the subject Hubsmith property located in Section 19 (Lots 7, 11 and 12) and Section 30 (NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ and Lots 1, 2, 6, 7 and 12) of Township 6 South, Range 19 East, Boise Meridian in Lincoln County, Idaho.

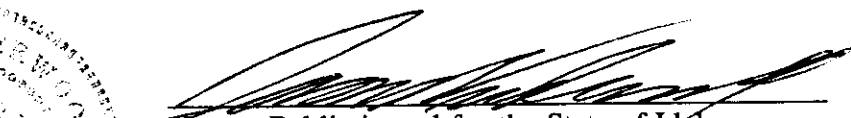
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 20th day of October 2003.


Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 20th day of October 2003.




Notary Public in and for the State of Idaho
Residing at: BOISE, ID
My Commission Expires: FEB 13, 2009

E:\4018.1\5692

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

May 12, 2003

Via Facsimile 801-975-3532

Attention: Sales Branch
Aerial Photograph Field Office
Farm Service Agency
United States Department of Agriculture
2222 West 2300 South
Salt Lake City, Utah 84119-2020

Re: Aerial Photographs in Lincoln County, Idaho

Dear Sir/Madam:

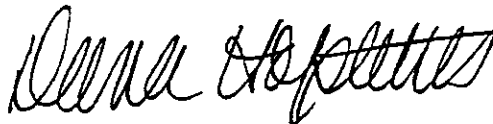
Please inform me whether any aerial photographs for the years 1977 and 1984 are available for the following location in Lincoln County, Idaho: Section 19 (Lots 7, 11 and 12) and Section 30 (NE1/4NE1/4, W1/2E1/2, and Lots 1, 2, 6, 7 and 12) of Township 6 South, Range 19 East, Boise Meridian. I am enclosing the USGS quadrangle maps (7.5 minute series) with the area of interest indicated with crosshatch. Please inform me as to the number of photographs for each year (1977 and 1984) that would be necessary to provide coverage for this area and, also, the type and scale of the photographs available. Upon receiving this information, I plan to place an order for copies of the photographs.

Your prompt consideration of this request would be most appreciated. Please do not hesitate to contact me if you need additional information to process this request.

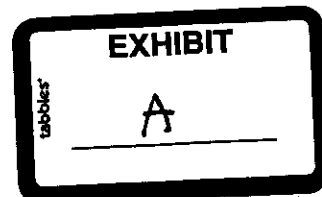
Thank you for your assistance.

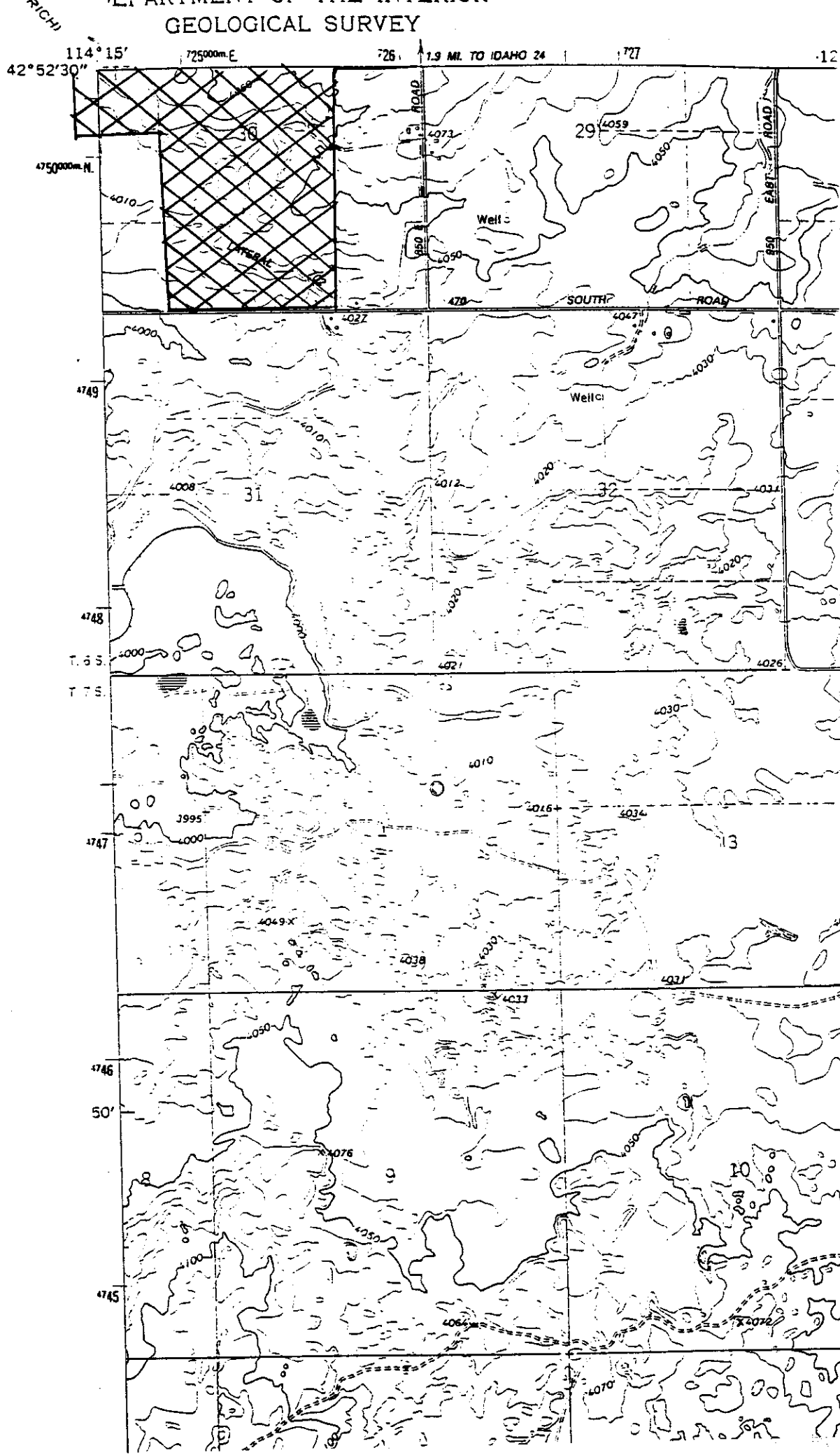
Sincerely,

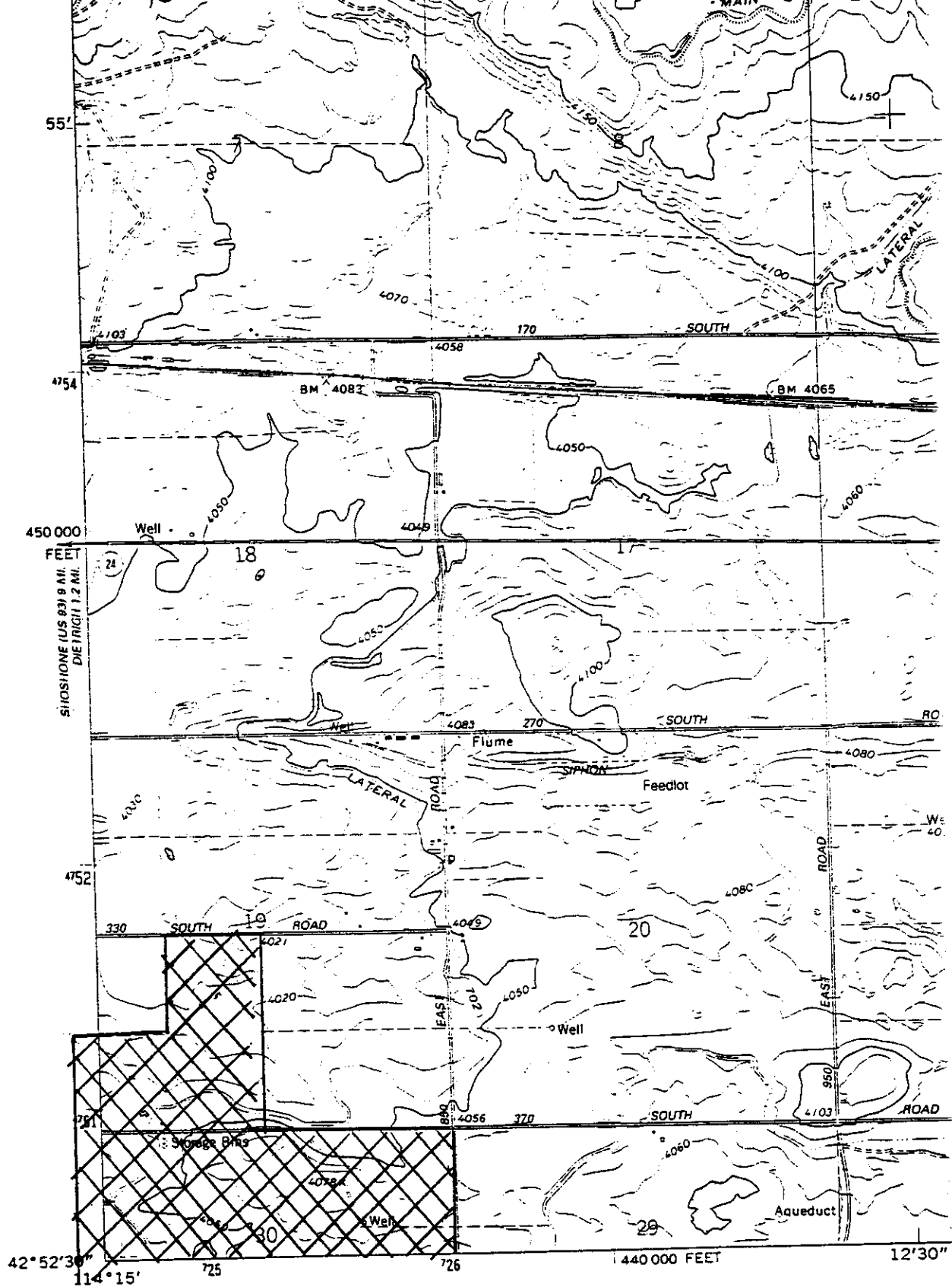
HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter







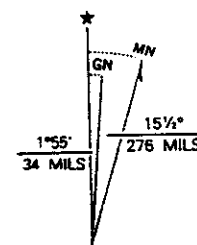
(SHOSHONE SE)

Produced by the United States Geological Survey
Control by USGS and NOS/NOAA

Compiled from aerial photographs taken 1969. Information shown in purple has been updated from aerial photographs taken 1987 and field checked. Map edited 1992. Conflicts may exist between some updated features and previously mapped contours

North American Datum of 1927 (NAD 27). Projection and 10,000-foot grid ticks: Idaho Coordinate System, central zone (Transverse Mercator). 1000-meter Universal Transverse Mercator grid ticks, zone 11, shown in blue

The difference between NAD 27 and North American Datum of 1983 (NAD 83) for 7.5 minute intersections is given in USGS Bulletin 1875. The NAD 83 is shown by dashed corner ticks



UTM GRID AND 1992 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

HOFSTETTER LAW OFFICE, LLC

608 West Franklin Street

Boise, Idaho 83702

Phone: (208) 424-7800

Fax: (208) 424-8774

E-Mail: Dana@IdahoWaterLaw.com

FAX COVER SHEET

DATE: May 12, 2003

TO: APFO - FSA

Fax: 801-975-3532

FROM: Dana Hofstetter

RE: Aerial Photography Request for Lincoln County, Idaho

The information contained in this facsimile may be confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

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Total 1'31" Pages Sent: 4 Pages Printed: 0

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ORIGINAL BY MAIL: YES ____ NO X



United States Department of Agriculture
Farm Service Agency
AERIAL PHOTOGRAPHY FIELD OFFICE
2222 West 2300 South
Salt Lake City, Utah 84119-2020

305004E-Mail: lcotter@apfo.usda.govFacsimile
(801) 975-3532Telephone
(801) 975-3500 ext 245

FAX COVER SHEET Date as of June 4, 2003

ATTN: DANA L HOFSTETTER

TO: HOFSTETTER LAW OFFICE

FAX NUMBER: 208-424-8774

FROM: Linda A. Cotter(I'm in the office from 6AM - 2:30PM MST)

ORDER NUMBER: 305004 (PLEASE REFER TO THIS # IF ORDERING)

SUBJECT: PHOTOGRAPHY OF LINCOLN CO., ID

WE DO HAVE PHOTOGRAPHY COVERING YOUR AREA IN BOTH 1977 AND 1984.
IT WILL TAKE ONE PHOTO PER YEAR FOR COVERAGE. YOU CAN GET THE FOLLOWING
SIZES AND SCALES AT THE LISTED PRICE:

	1977 PHOTO SCALE	1984 PHOTO SCALE	COST
10"X10"	1" = 3334'	1" = 5000'	\$ 5
12"X12"	1" = 1320'	1" = 2000'	\$12
17"X17"	1" = 1000'	1" = 1500'	\$13
24"X24"	1" = 660'	1" = 1000'	\$16
38"X38"	1" = 400'	1" = 660'	\$50

EXHIBIT

B

PACKING SLIP
FULL SHIPMENT

Page 1

Ship Remarks: RETURN TO SALES FOR CERTIFICATION

Agency Order #		Product	DESCRIPTION	Quantity
9900	305004	3801	38X38 B&W PAPER	2
		5115	CERTIFICATION (APFO)	2

**** ACCOUNTING SUMMARY ****
**** THIS IS NOT AN INVOICE ****

Total Cost:	\$110.00
- Amount Remitted:	\$110.00

Balance Due:	\$0.00

Commercial or Residential ? Commercial

Ship To: HOFSTETTER LAW OFFICE
608 W FRANKLIN ST

BOISE ID 83701-1427

208-424-7800

From: USDA-CFSA
Aerial Photography Field Office
2222 West 2300 South
Salt Lake City, Utah 84119-2020

APFO Phone # (801) 975-3503

Purchase Order # DANA HOFSTETTER

Order Date: 13-MAY-2003

Ship Date: 17-JUL-2003

Customer Code: 73380

Sales Representative: LAC

County/State: LINCOLN, ID

WO Remarks: RETURN TO SALES FOR CERTIFICATION

* THE SYMBOL SHOWN ON PRODUCTS REFLECTS *
* ACTUAL SYMBOL ON FILM *

LINE ITEMS									
Ln#	Product	Qty	Exp Symbol	Roll	Exposures	Enlg Code	Shift Code	Zone	Scale ft/in
1	3801	1	16063	177	72-72	X	N10W40	NZ	400
Remarks: CERT DATE 7-9-77									
2	3801	1	HAF 84	243	76-76	L		NZ	660
Remarks: SHIFT TO LEFT IMAGE EDGE CERT DATE 9-2-84									
3	5115	2	CERT	CERT	1-1	NA		NZ	N/A

EXHIBIT

tabbles

C