

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number 32-10422
Date Received _____
Receipt Number _____

*Original
claims sent
to court
2-7-01*

AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAR 26 2001

Department of Water Resources
Eastern Region

1. Name of Claimant(s) Martin Brothers Land & Livestock Limited Partnership Phone (208) 523-0620

Mailing Address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, Idaho Falls, ID Zip 83405

2. Date of Priority (Only (1) per claim) April 1, 1985

3. Source of water supply (a) ground water

which is tributary to (b) _____

4.a. Location of existing

point of diversion is: Township 6N Range 34E Section 32, SW 1/4 of SE 1/4 of
NE 1/4, Govt. Lot _____, B.M., County of Jefferson

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Wells, pumps and sprinklers

6. Water is claimed for the following purposes:

(Both dates are inclusive) (cfs) (acre feet)

For irrigation purposes from 04/01 to 11/01 amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	34E	32	40	40	40	39									39	40	36	36	310
		33							5.6				2.8	7.2					15.6

Total number of acres irrigated 325.6

11. In which county(ies) are lands listed above as place of use located? Jefferson

12. Do you own the property listed above as place of use? Yes X No
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
31-07201 or None ()

14. Remarks:

This right is claimed as an expansion of acreage irrigated under license number 31-07201.

15. Basis of Claim (Check one) Beneficial Use Posted Notice Permit Decree License
If applicable provide IDWR Water Right Number
Court Case Number Decree Date
Plaintiff vs Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Date

MANABURH PARTNERSHIP MARTIN BROTHERS LAND & LIVESTOCK LIMITED PARTNERSHIP
For Organizations: I do solemnly swear or affirm that I am of
Title Organization

Last Name Martin Brothers Land & Livestock Limited Partnership Ident. Number 32-10422

that I have signed the foregoing document in the space below as MANAGING PARTNER
MARTIN BROTHERS LAND & LIVESTOCK LIMITED
of PARTNERSHIP and that the statements contained in the foregoing document are true and correct.
Organization

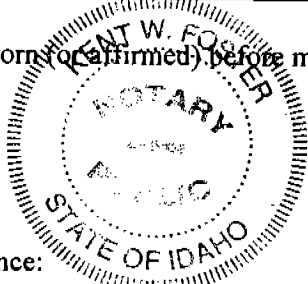
Signature of Authorized Agent [Signature]

Title and Organization MANAGING PARTNER, MARTIN BROTHERS LAND & LIVESTOCK LIMITED PARTNERSHIP Date 3/23/2001

State of Idaho/or _____)

County of BONNEVILLE) SS.

Subscribed and sworn to (affirmed) before me this 23 day of MARCH, 2001.



Notary Public [Signature]
Residing at IDAHO FALLS, ID
My Commission Expires 11/20/2004

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]
Address P.O. Box 50130, Idaho Falls, Idaho 83405
Date 3/23/01

G:\WPDATA\KWF\8790\AMENDEDCLAIM31-10422.NTC.wpd:kmc

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A31-10422
Date Received: 11/09/1988
Receipt No: E003949
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARTIN BROTHERS LAND & LIVSTOCK, 208-523-5171
Address: LIMITED PARTNERSHIP
P.O. BOX 50278
IDAHO FALLS, ID 83405

2. Date of Priority: APR 01, 1985

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	34E	32	SW	SE	NE		JEFFERSON

5. Description of diverting works:
WELL & PUMP TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.210		

7. Total Quantity Appropriated is:
0.210 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	34E	32	NW	SW		IRR	6.0
			SW	SW		IRR	6.0

Section Acres 12.0

A31-10422

Page 1

Date: 11/09/88

MICROFILMED
NOV 17 1992



10. Place of Use: Continued

Total Acres 12.0

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A31-07201

14. Remarks:
THIS RIGHT IS CLAIMED AS AN EXPANSION OF LICENSE NO. 31-07201

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Managing Partner of Wright Brothers Land & Livestock Limited Partnership Title Organization, that I have signed the foregoing document in the space below as Managing Partner of Wright Brothers Land & Livestock Limited Partnership Title Organization and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Managing Partner, Wright Brothers Land & Livestock Limited Partnership
Title and Organization

11-10-88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 10th day
of Nov. 19 88

[Signature]
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 5/29/1991

30

NATIONAL REACTOR TEST

4052

31

1500

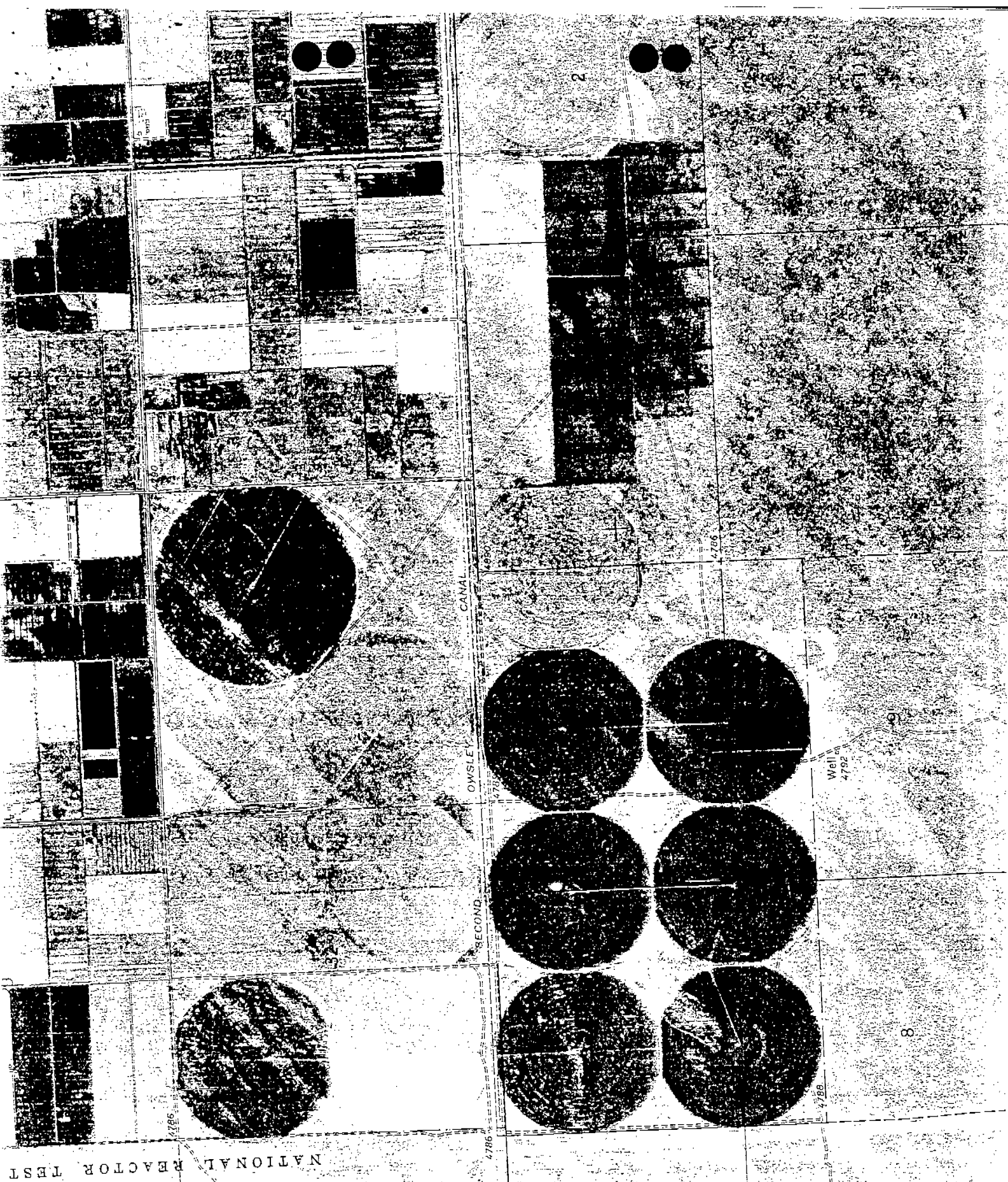
6N

5N

47' 30"

MICROFILMED

NOV 17 1992



NATIONAL REACTOR TEST

30

4052

31

4051

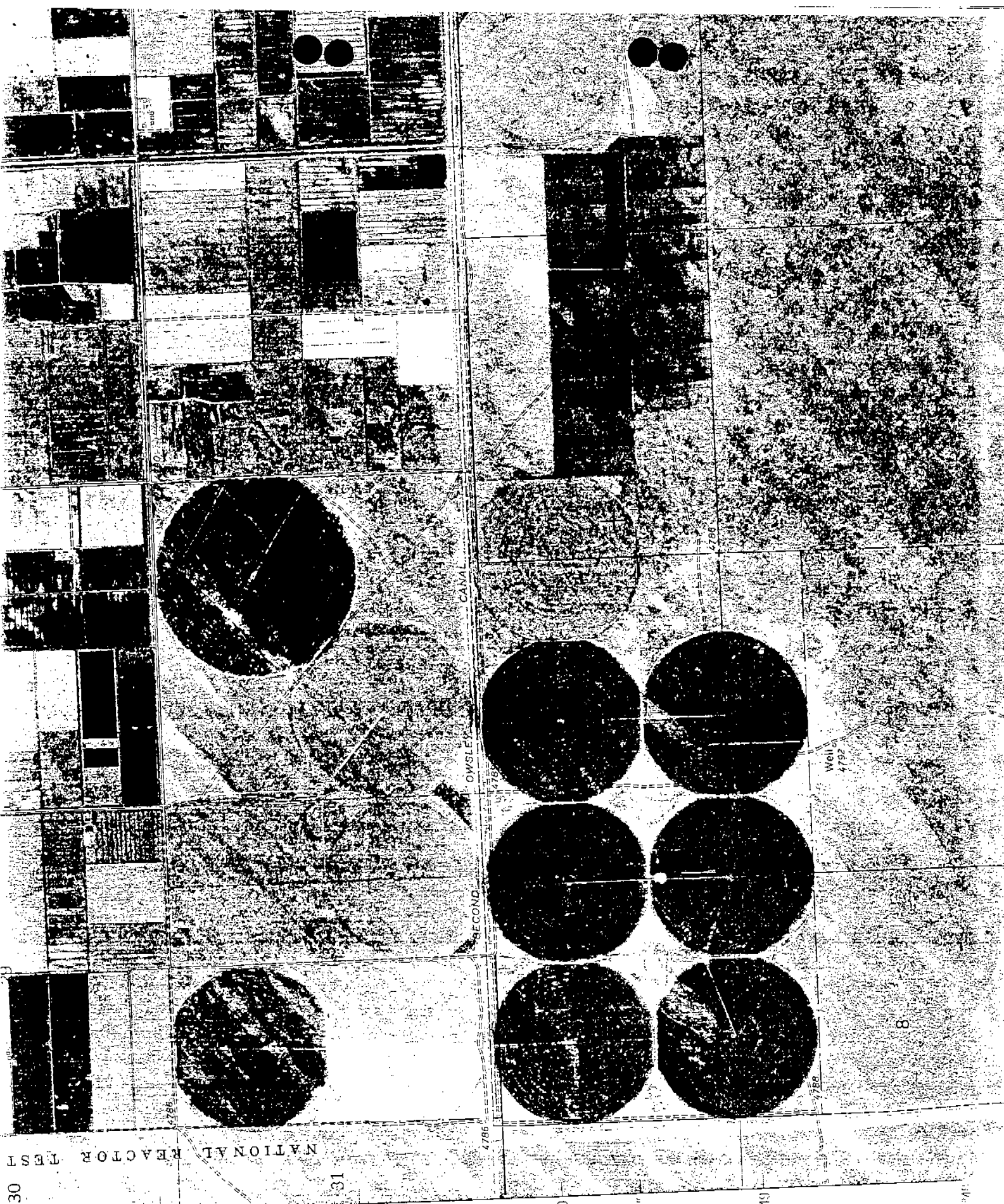
6N

5N

47' 30"

MICROFILMED

NOV 17 1992



NATIONAL REACTOR TEST

30

4952

31

4951

6N

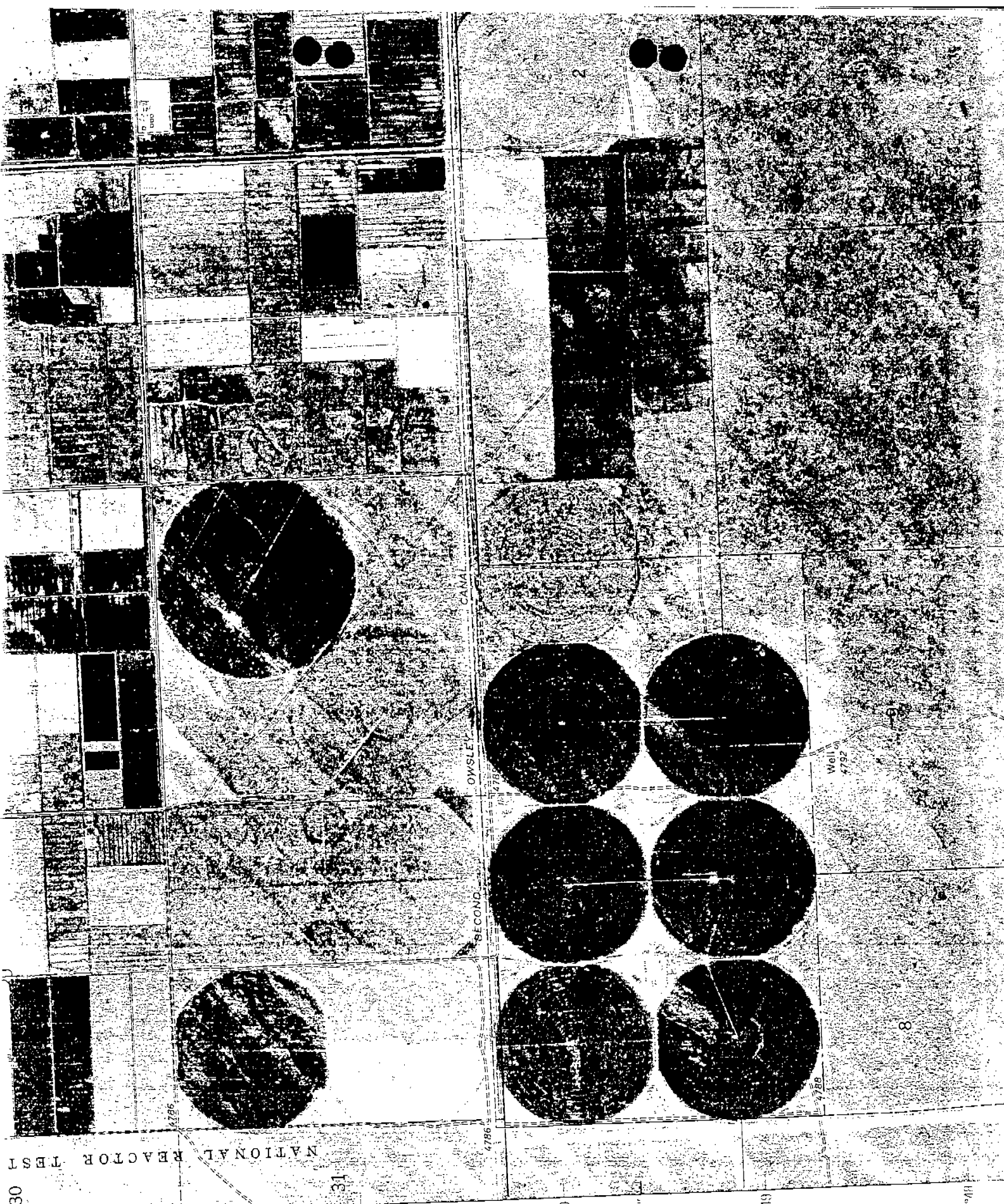
5N

4950

47' 30"

MICROFILMED

NOV 17 1992



East

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

U.S. BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

RECEIVED

JUN 11 2001

Department of Water Resources
Adjudication Bureau

June 8, 2001

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Re: *Amended Notice of Claim to a Water Right Acquired Under State Law*
Subcases: 31-10422 and 31-7201

Dear Clerk:

It has been called to our attention that when we filed the Amended Notice of Claim in the above entitled matter we inadvertently used the wrong basin number. We are enclosing new Amended Notices of Claim with the correct basin number. We would appreciate it if you would substitute these for the ones we formerly sent about May 18th. We apologize for the inconvenience and confusion it may have created.

Very truly yours,



Kent W. Foster

Enclosures

cc. IDWR Document Depository (w/encl.)
Chief, Natural Resources Division (w/encl.)
United States Department of Justice w/encl.)

G:\WPDATA\KWF\8790\clerk060801.ltr.wpd:bc

COPY

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 31-10422

Date Received _____

Receipt Number _____

AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Martin Brothers Land & Livestock Limited Partnership Phone (208) 523-0620
Mailing Address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, Idaho Falls, ID Zip 83405
2. Date of Priority (Only (1) per claim) April 1, 1985
3. Source of water supply (a) ground water
which is tributary to (b) _____
- 4.a. Location of existing
point of diversion is: Township 6N Range 34E Section 32, SW 1/4 of SE 1/4 of
NE 1/4, Govt. Lot _____, B.M., County of Jefferson
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Wells, pumps and sprinklers
6. Water is claimed for the following purposes:
(Both dates are inclusive) (cfs) (acre feet)
For irrigation purposes from 04/01 to 11/01 amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is _____ acre feet per annum.

10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

[illegible]

Total number of acres irrigated 325.6

11. In which county(ies) are lands listed above as place of use located? Jefferson
12. Do you own the property listed above as place of use? Yes X No ____
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
31-07201 or None ()
14. Remarks:
This right is claimed as an expansion of acreage irrigated under license number 31-07201.
15. Basis of Claim (Check one) Beneficial Use _____ Posted Notice _____ Permit _____ Decree _____ License _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ of _____
 Title Organization

Last Name Martin Brothers Land & Livestock Limited Partnership Ident. Number 31-10422

that I have signed the foregoing document in the space below as _____

of _____ and that the statements contained in the foregoing document are true and correct.
Organization _____

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

) SS.

County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 2000.

Notary Public _____

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address P.O. Box 50130, Idaho Falls, Idaho 83405

Date _____

G:\WPDATA\KWF\8790\AMENDEDCLAIM31-10422.NTC.wpd:kmc

Last Name Martin Brothers Land & Livestock Limited Partnership Ident. Number 31-10422

RECEIVED RECEIVED

MAY 29 2001 MAY 22 2001

Department of Water Resources
Eastern Region

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. 35976

A. Subcase 31-10422

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Simon Martin

Address: P.O. Box 50278

Idaho Falls, ID 83405

Daytime Phone: (208) 524-1509

Name & Address of Attorney, if any:

Kent W. Foster

P.O. Box 50130

Idaho Falls, ID 83405

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Martin Brothers Land & Livestock Ltd Partnership

Address: P.O. Box 50278

Idaho Falls, ID 83405

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Points of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

10. **I object because:**

- ☐ This water right should not exist.
- ☒ This water right was not recommended, but should be recommended with the elements described above. All elements should be as described in attached Amended Notice of Claim

E. **REASONS SUPPORTING OBJECTION(S):** See Amended Notice of Claim

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bonneville)

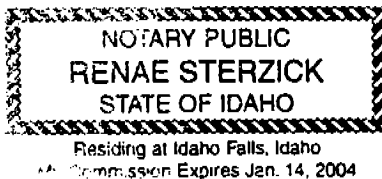
KENT W. FOSTER, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection

[Signature]
Attorney signing in representative capacity

Subscribed and sworn to before me on: May 17 2001



[Signature]
Notary Public for [Signature]
Residing at Idaho Falls, Idaho
My Commission Expires: 1-14-2004

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I hereby certify that on May 17, 2008, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Martin Brothers Land & Livestock Ltd Partnership

Address: P.O. Box 50278, Idaho Falls, ID 83405

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on
Objector's behalf

G:\WPDATA\KWF\87902FORM1.wpd

March 20, 2001

**NOTICE OF ERROR
REPLY**

RECEIVED
MAR 26 2001

Please type or print clearly, fill out this form completely and mail.

Department of Water Resources
Eastern Region

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: MARCH 9, 2001

Water right number: 31-10422

MARTIN BROTHERS LAND & LIVESTOCK LTD PARTNERSHIP
c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C.
P.O. Box 50130
Idaho Falls, ID 83405

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The preliminary recommendation disallowed this claim and it appears that occurred because of a mistake in the place of use shown in the original claim.

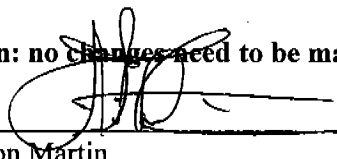
2. Describe the changes you wish to make in the proposed recommendation:

See changes in place of use shown in the enclosed Amended Claim.

3. Give a brief explanation as to why you disagreed with these portions:

After reviewing the satellite photographs that came with the preliminary recommendation it was apparent that this adjustment needed to be made.

 I AGREE with this proposed recommendation: ~~no changes need to be made.~~

DATE: 3/23/2001 SIGNATURE: 
Please print your name: Simon Martin

IDWR Regional Office, 900 N. Skyline, Idaho Falls, ID 83402, (208) 525-7161

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

U.S. BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

March 20, 2001

RECEIVED

MAR 26 2001

Department of Water Resources
Eastern Region

Ernie Carlson
IDAHO DEPARTMENT
OF WATER RESOURCES
900 N. Skyline
Idaho Falls, ID 83402-1718

Re: *Martin Brothers Land & Livestock Claim Numbers 31-7201 and 32-10422*

Dear Ernie:

We are enclosing with this letter Notices of Error Reply for each of the above numbered claims and an Amended Notice of Claim for each pursuant to our recent telephone conversations. Please let us know how we can be of assistance or if there is any additional information needed. Thank you for your kind and continued assistance.

Very truly yours,



Kent W. Foster

Enclosures

G:\WPDATA\KWF\8790\Ernie01.ltr.wpd

See A31-10419
FOR EVIDENCE OF
Priority

MICROFILMED
APR 15 1994

RECEIVED

MAR 23 1993

MARTIN BROTHERS
LAND AND LIVESTOCK
BRANDS SM AND UH
P.O. BOX 50278
IDAHO FALLS, IDAHO 83405-0278
(208) 522-4008
(208) 524-1509

Department of Water Resources
-Eastern District Office

March 20, 1993

State of Idaho
Department of Water Resources
900 N. Skyline Drive
Idaho Falls, ID 83402-1718

ATTENTION: Eric Verner, Senior Water Agent

Subject: Notices of claims to water rights -- Numbers A 31-10419, A 31-10422 and
A 31-10423

Ladies and Gentlemen:

Enclosed you will find another original AFFIDAVIT AND DECLARATION OF J. DEWAYNE LEE. Please supplement the record in the subject submittal hand delivered by me on March 8, 1993. During my office conference with Mr. Verner I told him I would be submitting a notarized statement by Mr. Lee; he told me he would be expecting it, and would have it added to the record.

If you have any questions regarding any of our submittals, please call me on 526-1457 during business hours or either of the numbers listed above at other times. Mr. Lee can be reached on 663-4341.

Please do not hesitate to call us. As I am sure you are aware, this is very important to us.

Sincerely,



Simon S. Martin, Managing Partner
Martin Brothers Land & Livestock

cc: J. Dewayne Lee
Kent W. Foster, Esq.

ENCLOSURES

MICROFILMED

APR 15 1994

RECEIVED

MAR 23 1993

IN THE DISTRICT COURT OF THE FIFTH
JUDICIAL DISTRICT OF THE STATE OF IDAHO

Department of Water Resources
Eastern District Office

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

AFFIDAVIT AND DECLARATION OF
J. DEWAYNE LEE

STATE OF IDAHO)
)
COUNTY OF BONNEVILLE)

J. Dewayne Lee, after first being duly sworn upon oath, deposes and says:

1. My name is J. Dewayne Lee and my mailing address is P.O. Box 25, Terretton, ID. My phone number is (208) 663-4641. I am a tenant of Martin Brothers Land & Livestock (Martin Brothers) and I have been a tenant of Martin Brothers and its predecessor entities since 1976. I am over the age of eighteen years and I am competent to testify from personal knowledge as to the contents of this affidavit and declaration.

2. I have reviewed and I am familiar with the documents attached as exhibits to the AFFIDAVIT OF SIMON S. MARTIN, MANAGING PARTNER, MARTIN BROTHERS LAND & LIVESTOCK (Martin affidavit).

3. I am very familiar with the development of the Martin Brothers farms which are the subject of Exhibits 1 and 2 of the Martin affidavit. I was the tenant at the time of the development and I assisted in the management of each development project. After the completion of the development of each project, I farmed the parcel of land irrigated by the project.

4. The following is a narrative of the development of each of the subject projects:

a. A 31-10419 --

This parcel is carried in my records as "Number 7". The well for this parcel was drilled in the Spring of 1985, but the improvements regarding the irrigation system were not made until the Spring of 1986. It was in the Spring of 1986 that I first irrigated this parcel using the well and the irrigation improvements. It was in the Fall of 1986 that I first harvested a crop from this parcel.

b. A 31-10422 --

This parcel is irrigated from the first well Martin Brothers drilled after we began the development projects in 1977. The well used to irrigate this parcel is identified as License Number 31-07201 in the records of

MICROFILMED

APR 15 1994

the state of Idaho. This well is located in the East Half of Section 32, Township 6 North, Range 34, EBM, Jefferson County Idaho. Even though this well was drilled in 1977, the subject parcel was not irrigated until 1978, and only after "Pivot Number 3" was developed in 1978. We developed this parcel to fill in a corner of Pivot Number 3. I first applied water to this parcel in the Spring of 1978, and the first crop from the parcel was harvested in the Fall of 1978.

c. A 31-10423 --

This parcel is carried in my records as "Well number 6". The well was drilled in the Spring of 1985, the irrigation improvements were completed in the Spring of 1985, the water was first used to irrigate crops on this parcel in the Spring of 1985, and the first crops were harvested from this parcel in the Fall of 1985.

I declare under penalty of perjury of the State of Idaho and of the United States of America that the above and foregoing affidavit and declaration is true and correct to the best of my knowledge and belief.

Dated this 6th day of March, 1993.

J. Dewayne Lee
J. Dewayne Lee

Subscribed and sworn to before me this 8th day of March, 1993.

Jackie Shively
Notary Public For Idaho
Residing at: Jersey, Idaho
My Commission Expires: 8-2-94

MICROFILMED
APR 15 1994