

JUN-14-2005 TUE 02:38 PM SPECK & AANESTAD

FAX NO. 12087260752

P. 02

AFFIDAVIT

STATE OF Idaho,
County of Blaine, ss.

Jim Martiny, being first duly sworn upon oath, deposes and states as follows:

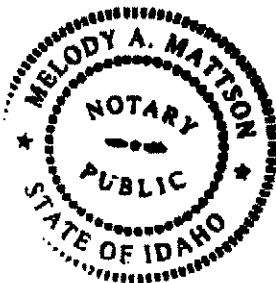
1. I, Jim Martiny, have lived next door to the old Bill Wells property (legal description attached) for 52 years. The property has been irrigated consistently every year with water rights #73-47A and #73-47B. In 1992 and 1993 there was limited water delivered and in 2002, 2003 and 2004 the land owner (Don Barnes) cut back on the irrigation due to the drought. The property (Barnes property) receives the water from two ditches, one from Morse Creek and the other from springs which is a tributary to Big Spring Creek.

In summary, the water rights have been consistently used every year except the above mentioned years when delivery of the water was an issue.

FURTHER YOUR AFFIANT SAITH NOT.

Jim Martiny

SUBSCRIBED AND SWORN to before me this 17th day of June, 2005.



Melody A. Mattson
Notary Public for Idaho
Residing at: Cetchum ID
My commission expires: 4.3.2009

Please scan,
profile to
73-47, 47A,
47B