

Attorneys for Jack E. Childress

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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 Nos. 65-22967 and 65-22939

AFFIDAVIT OF JACK E. CHILDRESS

STATE OF IDAHO)
) ss.
County of Ada)

JACK E. CHILDRESS, having been duly sworn upon oath, deposes and states as follows:

1. I am over the age of 18 years and make this affidavit based upon personal information.

2. I currently reside in Lake Fork, Valley County, Idaho.

3. In January 1999, I purchased real property located in a portion of the Southwest Quarter of Section 14 and a portion of the Southeast Quarter of Section 15, Township

17 North, Range 3 East, Boise Meridian, Lake Fork, Valley County, Idaho, comprising approximately 130 acres (the "Property"). A true and correct copy of a Warranty Deed, recorded January 19, 1999 with the Valley County Recorder as Instrument No. 237871, is attached hereto as Exhibit A.

4. In October 2000, I transferred title of the Property into the Jack E. Childress 1999 Trust. A true and correct copy of a Warranty Deed, recorded October 17, 2000 with the Valley County Recorder as Instrument No. 250473 is attached hereto as Exhibit B.

5. In September 2003, the Jack E. Childress 1999 Trust quitclaimed the Property to me, a married person and my sole and separate property. A true and correct copy of the Quitclaim Deed, recorded September 26, 2003 with the Valley County Recorder as Instrument No. 276239 is attached hereto as Exhibit C.

6. In August of this year, I became aware of the Snake River Basin Adjudication ("SRBA") and its adjudication of most of the water rights in the State of Idaho, including water rights in Valley County.

7. Concerned about the water rights appurtenant to the Property, I immediately began researching whether or not such water rights had been claimed in the SRBA by my predecessors in interest to the Property.

8. Upon my discovery that the water rights had not been claimed in the SRBA, I hired an attorney to assist me with preparation of the notices of claim and to bring before the SRBA Court a motion to permit the late filing of the claims.

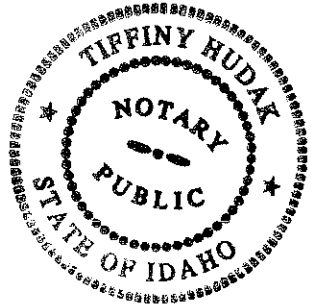
9. I have not received any notification from the Idaho Department of Water Resources advising me of the opportunity to file a claim in the SRBA for my water rights.

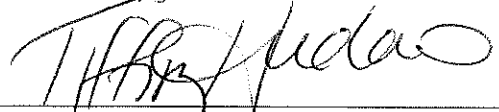
Further your affiant sayeth naught.



Jack E. Childress

SUBSCRIBED AND SWORN to before me this 18th day of October, 2005.





NOTARY PUBLIC FOR IDAHO
Residing at Boise
My Commission Expires 9/16/09