

October 17, 2005

State of Idaho
Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

ATTENTION: Misty Mount

Re: Evidence of Priority Date, Snake River Basin Adjudication claim 3-4008b

Dear Ms. Mount:

Enclosed please find an Affidavit of Franklin Jefferson Shelley as proof supporting the priority date claimed and the historic use of the water.

If there is anything else you need, please let me know.

Sincerely,

Robert Stewart

AFFIDAVIT

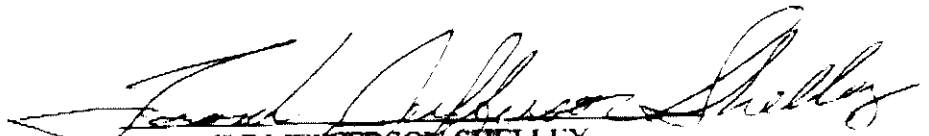
STATE OF IDAHO)

) ss.

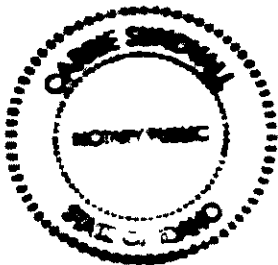
County of Payette)

FRANKLIN JEFFERSON SHELLEY, being first duly sworn upon oath, deposes and says:

1. I am the son of M.C. SHELLEY.
2. M.C. SHELLEY was the original developer of real property located in Payette County, Idaho, relating to Water Right Number 3-4008B, as illustrated on the map attached hereto.
3. I lived on that property from 1951 until 1980 and currently live within one-half mile of the property.
4. I have personal knowledge that water has been used continuously on the property since 1954 to the time of sale to Robert L. Stewart and Maryome V. Stewart for the beneficial use of irrigating crops.
5. The water has been used from its original diversion point set forth on the attached map every year since 1954, except one year during the 1970's because of drought conditions. During that one year the diversion point was moved to access water. The following year, the diversion point was brought back to its original location, where it has remained to the present time.


FRANKLIN JEFFERSON SHELLEY

SUBSCRIBED AND SWORN To before me this 14th day of October, 2005.




Notary Public for Idaho
Residing at Payette, Idaho
Commission Expires: 8-27-2007