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13 William A. Poulton

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

16 In Re SRBA) Subcase No. 45-00167A
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18)
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28)

Case No. 39576

SECOND AFFIDAVIT OF
WILLIAM A. POULTON

STATE OF IDAHO)
) ss.
County of Cassia)

William A. Poulton, being first duly sworn, deposes and says:

1. That this affiant is an adult resident of Cassia County, Idaho and makes this Affidavit on his own personal knowledge, is competent to testify to the matters stated herein, and this Affidavit sets forth facts as would be admissible in evidence.

2. That neither I nor anyone in my family has ever intentionally grazed livestock on Leah Rose's claimed place of use. The only time that our livestock has ever been on

her place of use was when a stray animal got out of our fenced property and found its way to Rose's place of use. Those stray animals were quickly removed from her property.

3. That any statement by Rose or her affiants that the Poultons intentionally grazed their livestock on her place of use is not accurate.

4. That any pasture and natural grasses growing in Rose's claimed place of use was the result of spring rains and not from any physical diversion from Willow Creek. The grass quickly dies once the spring rain stops and the temperature increases.

5. That there is no point of diversion from which Leah Rose or her predecessors in interest ever diverted water from Willow Creek onto the claimed place of use.

FURTHER YOUR AFFIANT SAITH NAUGHT.

William A. Poulton
William A. Poulton

SUBSCRIBED AND SWORN to before me this 20th day of July, 2006.

(SEAL)

MICHAEL P. TRIBE
NOTARY PUBLIC
STATE OF IDAHO

Michael P. Tribe

Notary Public for Idaho

Residing at: Rupert, Idaho

My Commission expires: 7/15/2011