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**Affidavit of Rex Evans regarding the property currently owned by David Vastine in
T1S, R2W sections 23, 24, 25, and 26.**

STATE OF IDAHO)
 :
COUNTY OF CANYON)

RECEIVED

AUG 07 2006

DEPARTMENT OF
WATER RESOURCES

I, Rex Evans, the undersigned, having been duly sworn on an oath deposes and says:

I currently live at 13797 Highway 78, Melba, Idaho. I was born on August 7, 1958.

I am familiar with the property currently owned by David Vastine because my father (Eb Evans) and my Grandfather (Rex Jensen) used to own the farm and had sold it to David Vastine in 1987. In discussions with my father and grandfather and through personal experience on the ranch I am familiar with the storage pond and late summer and fall spring flow in question.

Specifically, I can attest to the development of water emanating from a spring located at the base of the basalt cliffs in the NWNE of section 26. I was told that the pond in question was first constructed by my grandfather in the mid to late 1950's to collect and store waste water and water from the Boise Kuna Irrigation system and any water from the spring at the base of the basalt cliff draining into the pond. When my father took over the ranch in 1970 the main pond, overflow pond, pumps and piping were well established and actually in need of repair and maintance. It was my understanding that the ponds were constructed to collect spring water and to act as a regulating pond to other water sources, diversions/deliveries from the other sources. From its inception the pond has always been used to collect water from multiple sources for the beneficial use.

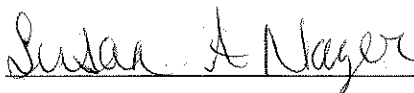
The spring water captured in the pond, as well as the other sources of water entering the pond, was used to irrigate crops in the fields south of the pond located in the SESW section 23 and the NENW and NWNE section 26. Also, livestock used the pond for watering as did plenty of birds and wildlife.

Dated this 4 day of August 2006



Rex Evans

Subscribed and sworn before me this 4th day of August 2006.



Notary Public
Residing at Nampa, Canyon Idaho

My commission expires 04-01-2010

SUSAN A. NAZER
NOTARY PUBLIC
STATE OF IDAHO