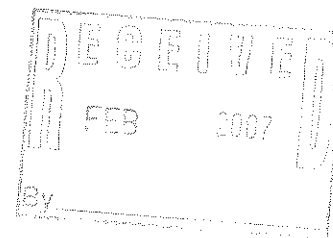


AFFIDAVIT OF J. ROBERT BEUS

STATE OF IDAHO)
)ss
County of Bonneville)

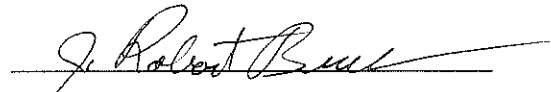


J. Robert Beus, being first duly sworn, on his oath deposes and says:

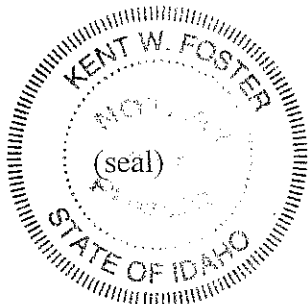
1. I am a citizen of the United States and a resident of 5253 Bitter Creek Rd., Fairview, Wyoming 83119. I am Fifty-nine (59) years of age, and am married to Lynette Kennington, the daughter of George Harvey Kennington, whom I married in September of 1969. I have personal knowledge of the facts stated herein and make this affidavit from such personal knowledge.
2. Beginning a year prior to my marriage, in approximately October of 1968, I first became acquainted with a ranch owned by my wife's father, G. H. Kennington, located on Sage Creek and Crow Creek in Sections 20, 21, 28 and 29 of T9S., R46E., in Caribou County, Idaho. Beginning in the summer of 1969, my wife and I came to the ranch and we assisted with haying and with irrigation of the ranch every summer from that time until about 1982 when I actually commenced operating the ranch. From 1982 through about 2002, I personally operated the ranch, being responsible for and actually performing all of the irrigation thereon. The ranch has been irrigated, to my knowledge, pretty much in the same fashion for the entire time I was acquainted with it and for many years prior thereto.
3. Attached to this affidavit is a map which shows the ditches and areas irrigated at the time I was familiar with the ranch and which I understand was the way the ranch was irrigated during the irrigation season of 2006. The map is a portion of a United States Geological Survey Quadrangle Map and shows the ranch lands now owned by Joel Porter and Kevin Toner. The ditches include a ditch which diverts water from Sage Creek in the SESW, Sec. 20, of said township and range, and flows in a generally southeasterly direction and irrigates the land shown in pink on the map. A second ditch commences at a headgate located on Crow Creek in the SWNE, Section 29, of said township and range, and flows in a generally northeasterly direction and irrigates the land shown in yellow on the map. A third ditch commences at a spring which receives much of its water from overflow irrigation from both the Sage Creek and the Crow Creek ditches which irrigate the property up gradient from said

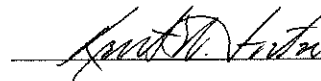
spring, located near the south edge of the SESE, Sec. 20, of said township and range, and which flows in a generally easterly direction and irrigates the land shown in orange on the map. The final ditch commences at a headgate on the south side of Crow Creek in the NENE, Sec. 29, of said township and range, and flows in a generally north and easterly direction to a point near the eastern boundary of the land now owned by Mr. Toner at which point it turns and runs almost directly north along the property line and irrigates the land shown in blue on said map.

DATED this 16th day of January, 2007.


J. Robert Beus

SUBSCRIBED AND SWORN TO before me this 16th day of January, 2007.




Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 11/20/2010