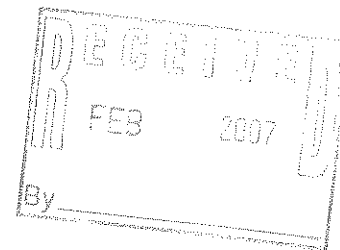


**AFFIDAVIT OF
MARK M. "MONTE" CLEMOW**

STATE OF IDAHO)
)ss
County of Bonneville)



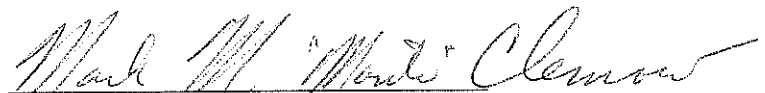
Mark M. "Monte" Clemow, being first duly sworn, on his oath deposes and says:

1. I am a citizen of the United States, currently residing at Box 7, Fairview, WY 83119, of the age of fifty-seven (57) years, familiar with the lands owned by Kevin Toner, Yodon Thonden and Joel Porter, and the irrigation thereof, and I make this affidavit of my own personal knowledge.
2. I first became familiar with the irrigated lands of Kevin Toner and Yodon Thonden located in Sections 20, 21, 28 and 29, of Township 9 South, Range 46 East and of Joel Porter in Sections 20 and 29 of said Township and Range, which are irrigated from Sage Creek, an unnamed spring, and Crow Creek, about six years ago when I was employed by Mr. Bud Hartman. Mr. Hartman owned equipment such as a backhoe, and I was assigned to clean the irrigation ditches on the above described property. No changes were made in the headgates or location of the ditches; they were cleaned only. When I first observed the ditches, they had the appearance of being very old and of having been used continuously for a long time.
3. In February 2006, I became employed by Kevin Toner and Joel Porter to operate and manage the property referenced above. I have consulted with some individuals who operated the same property for previous owners, and I irrigated the land during 2006 in the same manner I was informed they had done previously. One of such individuals is Mr. Max Beyeler, Rigby, Idaho, who is the son of one of the original homesteaders and brother-in-law of Harvey Kennington, the former owner. He grew up on the ranch and was familiar with the irrigation system and practices for about eighty (80) years. I also consulted with Mr. Errol Hoopes of Fairview, Wyoming, who had helped with the farm work and irrigation of the ranch in the 1940s and 1950s. Unfortunately, about the time we were to obtain his affidavit, he was taken ill and died in the hospital in recent weeks. I also spoke several times, and at length with Mr. Robert Beus of Fairview, Wyoming. He is a son-in-law of Harvey Kennington and was familiar with the irrigation of the ranch from about 1969 to the mid

1980s when he personally took over operation of the ranch which continued until just a couple of years ago.

4. The properties of Mr. Porter and Mr. Toner were previously owned as a single ranch, and were and continue to be, irrigated together. A map is attached showing the location of each headgate, ditch and the general area irrigated from each. Water is diverted from Sage Creek in the SESW, Sec. 20 through a headgate on the south side of the creek and conveyed to provide irrigation of the land shown on the attached map in pink, approximately 8 acres in the SWSE, Sec. 20 and 10 acres in the NENE, Sec. 29, owned by Joel Porter, and approximately 6 acres in the SESE, Sec. 20, and 8 acres in the NENE, Sec. 29, owned by Kevin Toner and Yodon Thonden. A second ditch diverts water through a headgate on the north side of Crow Creek in the SWNE, Sec. 29 and conveys water to provide for irrigation of the land shown on the map in yellow, approximately 4 acres in the NWNE, and 4 acres in the SWNE, of Sec. 29, owned by Joel Porter, and approximately 3 acres in the SESE, Sec. 20, 3 acres in the SWSW, Sec. 21, 3 acres in the NWNW, Sec. 28, 22 acres in the NENE, and 1 acre in the SENE, Sec. 29 owned by Kevin Toner and Yodon Thonden. A third ditch heads on a spring located approximately in the center of the SESE, Sec. 20, near the south boundary, which then flows east providing irrigation water for the land shown in orange on the attached map, approximately 5 acres in the SESE, Sec. 20, 12 acres in the SWSW, Sec. 21 and 6 acres in the NWNW, Sec. 28, owned by Kevin Toner and Yodon Thonden. A fourth ditch conveys water diverted through a headgate on the south side of Crow Creek in the NENE, Sec. 29 and provides water for the irrigation of the lands shown in blue on the attached map, approximately 6 acres in the NWSW and 16 acres in the SWSW, Sec. 21, 12 acres in the NWNW, Sec. 28 and 2 acres in the NENE, Sec. 29, also owned by Kevin Toner and Yodon Thonden.

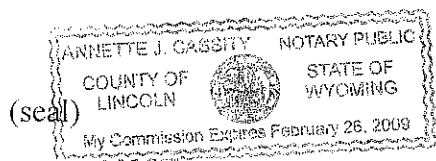
DATED this 30th day of January, 2007.


Mark M. "Monte" Clemow

Wyoming
STATE OF ~~IDAHO~~)
)ss.
County of Lincoln)

On this 30 day of January, 2007, before me a notary public in and for said State, personally appeared Mark M. "Monte" Clemow known or identified to me (or proved to me on the oath of Mark M. "Monte" Clemow) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Annette J. Cassity
Notary Public for Idaho Wyoming
Residing at: Idaho
My commission expires: 2-26-09

G:\WPDATA\AKWF10652 MARTIN, STEPHEN E\07 Toner, Kevin\Monte Clemow Affidavit wpd:cdv