

Claimant: Summers Farm & Ranch, Inc.
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
SNAKE RIVER BASIN ADJUDICATION DIVISION

In RE: SRBA) Subcase: 22-11318
Case No. 39576) - **AFFIDAVIT OF KELLY SUMMERS**
_____)

STATE OF IDAHO)
ss.
County of Madison)

Kelly Summers, having been duly sworn, states under oath as follows:

1. I am a resident of Madison County, Idaho and reside at 327 S. 3000 E., Sugar City, ID 83448.
2. I am a farmer by profession and am a principal owner in the farming corporation, Frank Summers, Inc., which owns and operates a farm with real estate located adjacent to the lands

described as the place of use of Summers Farm & Ranch, Inc.'s (Claimant) claim 22-11318. I have personally worked on said lands since before 1966, the priority date claimed by Claimant. Because I am a cousin to the principals of Claimant, I also have been extremely familiar with the watering practices of Claimant over the years.

3. I have carefully reviewed claim number 22-11318 and have actual and personal knowledge that all of the lands contained in said claim have been watered by Claimant, or it's predecessor Harvey Bert Summers, from at least one of the two wells described in the Claim's two points of diversion since the beginning of the crop year in 1996 through 2005. Initially, the well located in Section 35 was used to water the lands described in the Claim's place of use. Thereafter, once lands were purchased from the Harris family, the second point of diversion in Section 26 was added.

4. All present uses described in the Claim were instituted prior to 1987.

Dated this ____ day of December, 2005.

Kelly Summers

SUBSCRIBED AND SWORN to before me this _____ day of December, 2005.

Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires: