

Claimant: Summers Farm & Ranch, Inc.
Attorney: Jerry R. Rigby
of RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered
Attorneys at Law
25 North Second East
Rexburg, ID 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

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 LAYNE EVANS**
_____)

STATE OF IDAHO)
ss.
County of Madison)

Layne Evans, having been duly sworn, states under oath as follows:

1. I am a resident of Madison County, Idaho and reside at 2068 N 5000 East
Sugar City ID 83448.

2. I was employed by Harvey Bert Summers in 1966 as a farm hand/pipe mover.
As such, I was extremely familiar with the watering practices of Mr. Summers and have personal
recollection of the water practices on the lands described in Claimant's claim No. 22-11318
(hereinafter "Claim").

3. Because I have continued to have dealings with the Summers family over the years, I have continued to be familiar with the farming and watering practices of the lands described in the Claim.

4. 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.

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

Dated this ____ day of December, 2005.

Layne Evans

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

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