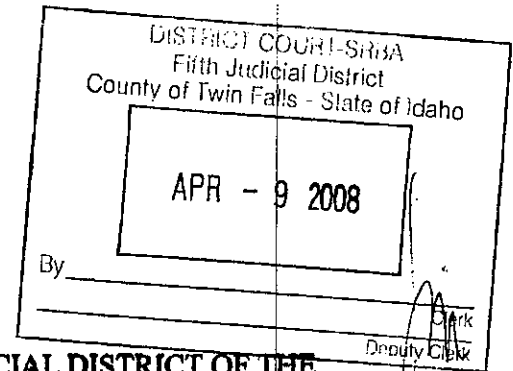


STEVE L. STEPHENS (ISBN 6919)
 260 Grand Ave.
 P.O. Box 736
 Arco, ID 83213
 Phone: (208) 527-3458
 Fax: (208) 527-3469



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Water Right Claim No. 34-13915

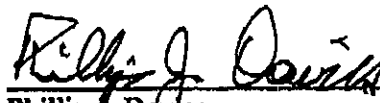
**AFFIDAVIT OF PHILLIP J. DAVIES
 DAVIES**

State of Idaho)
)ss.
 County of Butte)

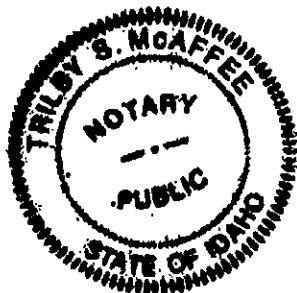
I, Phillip J. Davies, first being duly sworn, deposes and state the following to be true and correct:

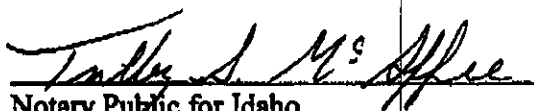
1. I am a resident of Butte County, Idaho.
2. I own the property where the point of diversion for the water right claimed in this matter is located in Butte County, Idaho, as the legal description more accurately indicates in the Court's file.
3. The water well was previously used in the operation of a sawmill facility on the property.
4. The sawmill operation was closed in approximately 1991. I, personally, did not use the water well since that date.
5. After speaking with my family, I have discovered that my nephew, Jeremy Davies, was providing basic maintenance of the sawmill property and used the well to perform these tasks.
6. The sawmill property was previously owned by my father, and was always considered as family owned property.

7. It is common for my family members to care for each others property.
8. Since the sawmill was closed, I have spent a considerable amount of time outside of Idaho, and returned to begin cleanup of the property in 2004.
9. My nephew, Jeremy Davies, during the time I was absent, used water from the water well in order to perform basic maintenance. Jeremy retrieved the water using a gas powered generator, pump and holding tank to perform these tasks.
10. Jeremy had consent and permission to perform these tasks even though I had not expressly indicated so.
11. The implied consent and permission was based upon the relationship of my family commonly using and caring for each others property.
12. Jeremy also used water from the water well for his livestock and other domestic purposes.
13. I have always intended to continue the use of the water well for its original use once I was in a position to do so and have never considered this water right abandoned or forfeited. My nephew Jeremy Davies used water for the uses originally intended as recently as 2003 and intermittent years prior to 2003. Jeremy used the water well, which is the same point of diversion that was originally claimed and is now being claimed.


Phillip J. Davies

Subscribed and sworn to before me a Notary Public for the State of Idaho on this 9 day of April, 2008.



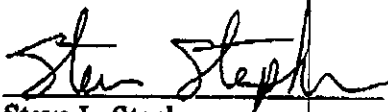

Notary Public for Idaho
Residing at: Arco, Id
My Commission expires: 1-27-2009

CERTIFICATE OF SERVICE

8 I certify that I served a true and correct copy of the foregoing upon the following this day of April, 2008.

Special Master Brigitte Bilyeu
SRBA, District Court
253 3rd Ave North
Twin Falls, ID

☐ U.S. Mail
☒ Facsimile
☐ Designated Courthouse Box
☐ Hand Delivered


Steve L. Stephens