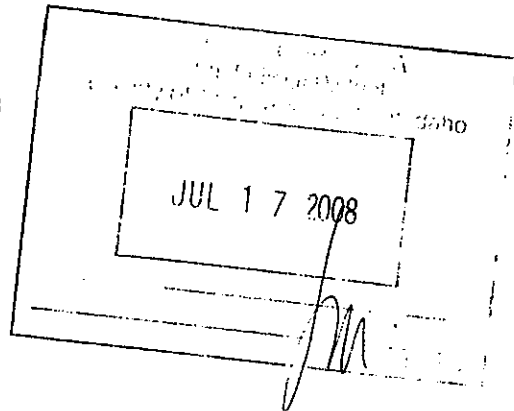


COPY

Attorneys for Tana Kerby and Inez Wilson Morris

Scott L. Campbell, ISB No. 2251
Andrew J. Snook, ISB No. 7761
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
18944.0001



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

AFFIDAVIT OF TANA KERBY

STATE OF IDAHO)
) ss.
County of Adams)

Tana Kerby, having been duly sworn upon oath, deposes and states as follows:

1. The statements contained in this affidavit are based upon my personal knowledge.
2. I and my mother, Inez Wilson Morris, are the sole beneficiaries of the George Wilson Trust ("Trust") which owns the real property described in Exhibit A, attached hereto ("Property"). My mother and father owned this Property from 1936 to 1961, when my

father, George Wilson, died. The property transferred into the Trust at that point and has been owned by the Trust since that time.

3. My mother and I filed notices of claim to water rights in the Snake River Basin Adjudication in 1988 to protect the water rights for the Property. In December 2006, we received copies of the Recommendations of the Director of the Idaho Department of Water Resources for the water right claims we filed. We did not file any objections to the Recommendations because they were basically satisfactory.

4. Within the last few weeks, in part because of my participation as a witness in the contested subcase proceeding involving water right claim 78-0206A, I became concerned about the possible need to file a late water right claim for water which has been used on the Property since 1933. The water source for the claim is waste water from an adjoining property.

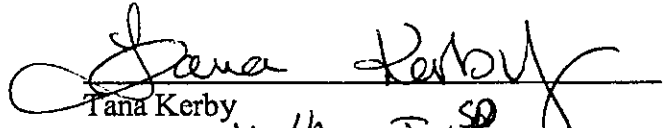
5. My mother and I did not file a notice of claim to water right for the waste water use on the Property because we did not understand that it would be necessary to file a claim for such water use. We thought that use of waste water from another property did not require a water right.

6. Based upon investigation of this issue with the Idaho Department of Water Resources agent, Carter Fritschle, my mother and I determined that we should file a late notice of claim for the waste water use on the Property. After consultation with our attorney, Scott L. Campbell, on May 29, 2008, we have decided we should pursue a motion for leave to file a late notice of claim.

7. My mother and I were not aware previously that we should have filed a notice of claim for water right to confirm the waste water use which has occurred on the Property

since at least 1933. Had we known that such a claim would be required, we would have filed the claim in 1988 with the rest of the water right claims filed at that time.

Further your affiant sayeth naught.


Tana Kerby

SUBSCRIBED AND SWORN to before me this 14th day of ~~June~~ ^{July} 2008.




NOTARY PUBLIC FOR IDAHO
Residing at New Meadows
My Commission Expires 3-17-2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of June, 2008, I caused a true and correct copy of the foregoing AFFIDAVIT OF TANA KERBY to be served by the method indicated below, and addressed to the following:

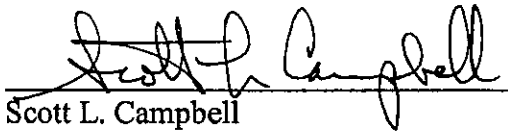
Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720

- () U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile

Scott L. Campbell

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of July, 2008, I caused a true and correct copy of the foregoing **AFFIDAVIT OF TANA KERBY** to be served by U.S. Mail, postage prepaid, and addressed to each party listed on the SRBA Expedited Service List.



Scott L. Campbell

EXHIBIT A

Property Description

The Property consists of eighty (80) acres located within the SENW and NENW quarter-quarter sections of Section 29, Township 19 North, Range 20 East in New Meadows, Adams County, Idaho. Irrigation water for the Property is diverted from three (3) points of diversion located along a drain ditch near the eastern boundary of the property within the SENW quarter-quarter section of Section 29, Township 19 North, Range 20 East. The water diverted from these points of diversion is used for the irrigation of eighty (80) acres all located within the SENW and NENW quarter-quarter sections of Section 29, Township 19 North, Range 20 East. The water used to irrigate the Property is diverted from the points of diversion at a rate of 3.0 cfs. The above described irrigation practices for the Property were initiated by George Wilson in 1933.