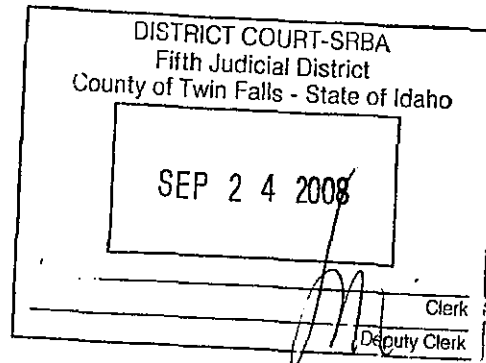


Claimant Name:

**G. PETER KOSS, Trustee of the
George Peter Koss Trust**

Attorney Name & Address:

James P. Speck, ISB#2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752



**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

Subcase No. 37-22379

Case No. 39576

AFFIDAVIT OF G. PETER KOSS

STATE OF IDAHO)

)SS:

County of Blaine

G. PETER KOSS, 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 am the trustee of The George Peter Koss Trust, which is the owner of Lot 2, Lee's Gulch Subdivision in Blaine County, Idaho. I acquired this property in 1991. Lee's Gulch Creek runs through the property and there has always been a small pond created by a dam constructed. The pond provides habitat for moose, deer and other wildlife, which adds value to the property.
3. I was not aware until the fall of 2007, that a water right was required to store the waters of Lee's Gulch Creek behind this dam. Apparently, the prior owners of the property were also

not aware of this requirement as no one ever filed a claim in the SRBA or an Application for Permit for such a water right.

4. I then contacted Gerald Sherman, the original owner of the property and asked him if he built a dam and, if so, when it was built.

5. Attached as Exhibit A is a copy of Mr. Sherman's December 14, 2007, letter to me in which he states he constructed the dam in 1969. Attached as Exhibit B is a copy of a 1969 aerial photograph of my property on which Mr. Sherman identified the location of the dam.

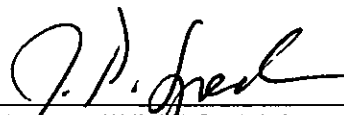
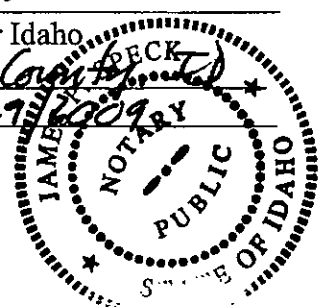
6. The pond is approximately 13,000 square feet in surface area and averages approximately four (4) feet in depth.

7. Previously claimed irrigation and domestic water rights were appurtenant to the property and transferred to me at the time I purchased it. Had I know then that a water right was required for this pond, I would have filed a claim for the water right at that time.

FURTHER YOUR AFFIANT SAYETH NAUGHT.


G. PETER KOSS, Trustee of The
George Peter Koss Trust

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said state, this
22 day of September, 2008.


NOTARY PUBLIC for Idaho
Residing at: Blaine County, ID
Comm. Exp: 1/29/2009


CERTIFICATE OF MAILING

I certify that on Sep 23, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court Snake
River Basin Adjudication 253
Third Avenue North PO Box
2707 Twin Falls, ID 83303-2707

2. Copies to:

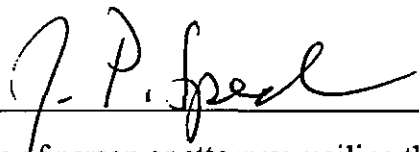
IDWR Document Depository
PO Box 83720 Boise, ID
83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033 Boise, ID
83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

14 December 2007

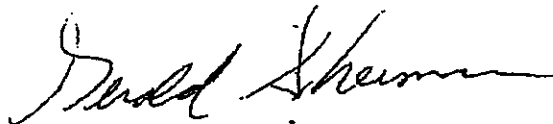
118 AIRSTREAM LANE
TAVERNIER, FLORIDA 33070
305-853-1081 (temporary address)

TO WHOM IT MAY CONCERN;

I, GERALD SHERMAN OWNED THE RANCH IN LEES GULCH AND ALL THE WATER RIGHTS FROM LEES GULCH CREEK. I CONSTRUCTED A DAM ON THE PROPERTY IN 1969 FOR IRRIGATION AND RECREATION OF THE PROPERTY.

I ALSO RAN A WATER PIPE FROM A DIVERSION DAM UP STREAM ¼ MILE ABOVE MY PROPERTY WITH THE APPROVAL OF THE BLM.

GERALD SHERMAN
P O BOX 188
CLARK FORK, ID 83811
208-266-1620



12-14-07

1969 Lees Gulch 40ae @ 300%copy

A
N

Barn

Lees Gulch

Lees Gulch

Issued I got back from Lees Gulch