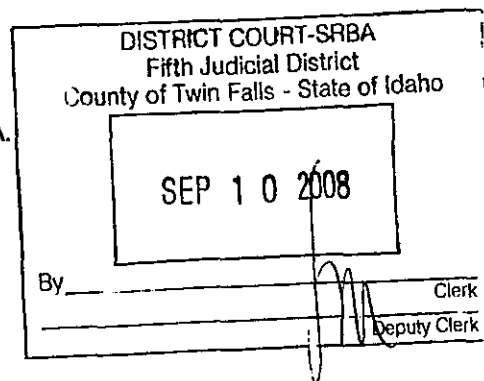


Kimbell D. Gourley/ISB #3578
TROUT ♦ JONES ♦ GLEDHILL ♦ FUHRMAN, P.A.
The 9th & Idaho Center
225 North 9th Street, Suite 820
P.O. Box 1097
Boise, ID 83701
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Email: kgourley@idalaw.com

Attorney for Craig Whitted



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

)
) Subcase No.: 63-7539

)
) **AFFIDAVIT OF CARRIE CUSIC-MOORE**
)

STATE OF IDAHO)

: ss

County of _____)

CARRIE CUSIC-MOORE, being first duly sworn, on oath, deposes and
says:

1. Your affiant is an individual over the age of eighteen (18), and competent to testify in the above-entitled matter, and has personal knowledge of the facts stated herein.
2. Your affiant is the daughter of Earl Cusic and Doris Cusic.
3. My niece, Sheilla Whitted, and her spouse, Craig Whitted, are the fee simple owners of the subject property, which is located on the generally described

as the South Half of the Southeast Quarter of Section 14, Township 1 South,
Range 2 West, Boise Meridian, Canyon County, Idaho (the "Whitted Property").

4. In the late 1960s, your affiant remembers a conversation between
Earl Cusic and Jesse Peavey, the owner of Canyon Cattle Co., Inc., the feedlot
operator on the adjacent property, regarding use of the well on the Whitted
Property.

5. Permission was given by my father, Earl Cusic, to Jesse Peavey and
his company to use the water on a non-exclusive basis, and my father also
continued to use the well.

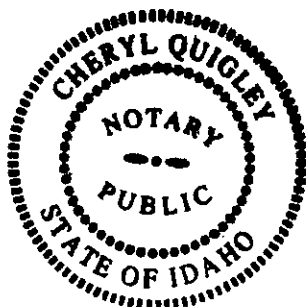
6. I also remember my father watering horses from the well with a hose
into a small stock tank. This way my father would not have to bring the horses up
every day. It was easier that way to keep the horses and milk cows segregated.

FURTHER YOUR AFFIANT SAITH NOT.

DATED this 8 day of September, 2008.

Carrie Cusic-Moore
CARRIE CUSIC-MOORE

SUBSCRIBED AND SWORN to before me this 8 day of September,
2008.

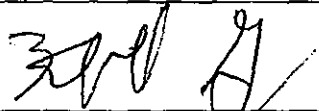


Cheryl Quigley
Notary Public for Idaho
Residing at Kuna, Id.
Commission expires: 5-18-13
Checked ID. Drivers. Lic.
BB 2049131
exp. 11-20-08

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of September, 2008, a true and correct copy of the foregoing document was served as follows:

John M. Marshall J. Will Varin GIVENS PURSLEY LLP PO Box 2720 Boise, ID 83701-2720	☐ First Class Mail ☒ Hand Delivery ☐ Facsimile ☐ Overnight Delivery
--	---



Kimbell D. Gouley