

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 10 2008

By _____ Clerk
_____ Deputy Clerk

Meridian, Canyon County, Idaho (the "Whitted Property").

4. In the late 1960s, my husband and I came home on leave and I remember discussions about giving the feedlot operator permission to use the subject well at the far southwest corner of the Whitted Property.

5. Most of my father's business was conducted with a handshake and his word, and, thus, I do not remember seeing any written agreement regarding this permission.

6. My parents' livestock were watered from the subject well, and thereafter Craig and Sheilla Whitted's livestock have also been watered from the subject well.

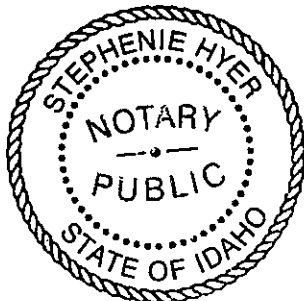
FURTHER YOUR AFFIANT SAITH NOT.

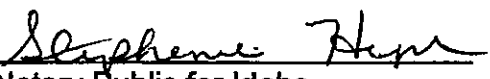
DATED this 8 day of September, 2008.



AVA M. RACE

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





Notary Public for Idaho
Residing at Homedale Id
Commission expires: 7/14/13

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
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Kimbell D. Gourley