

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

SEP 10 2008

By _____

Clerk
Deputy Clerk

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, I recall my father-in-law, Earl Cusic, speaking with the operator of the feedlot on the adjacent property about the subject well.

5. When it was determined that the well was on the Whitted Property, the feedlot operator was seeking permission to use the subject well on a non-exclusive basis.

6. My father-in-law gave verbal permission based on a handshake with the feedlot operator to use the well.

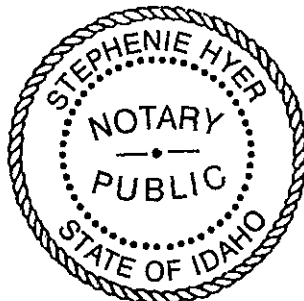
7. Earl Cusic watered his livestock from the subject well on a continuous basis throughout the years, as well as Craig and Sheilla Whitted have watered their livestock from the well.

FURTHER YOUR AFFIANT SAITH NOT.

DATED this 8th day of September, 2008.

Alvin H. Race
ALVIN H. RACE

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

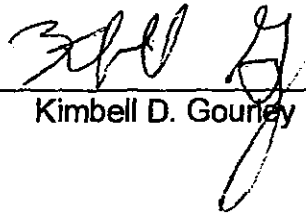


Stephenie Hyer
Notary Public for Idaho
Residing at Homedale, ID
Commission expires: 7/14/13

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
--	---



Kimbell D. Gourney