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Attorneys for Claimants, Mary Ellen Drashner and

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

STATE OF IDAHO)
) ss.
County of Blaine)

My mother, Mary Allred, told me her father had done this ever since he acquired the Cold Springs property.

4. Attached as Exhibit B is a copy of a June 15, 1971 aerial photograph of this land which I obtained from the Idaho Department of Transportation. I have noted the location of a large pond on the property where we used to hang out on visits while I was in grade school. The pond is also shown on the USGS topographic map for this area based on 1966 aerial photography and field checked in 1967. Attached as Exhibit C is a copy of the relevant portion of that map on which the pond has been labeled. The pond remained approximately the same size through all of the years that I observed it. My estimate is that it was approximately one (1) acre in surface area and averaged approximately three (3) feet in depth. A two story house used to be located just north of the pond. I recall sheep and some horses grazing on the land but all of the horses later died when they were fed some poisoned grain!

5. My father had the pond stocked with fish and occasionally he would catch a few for dinner. We sometimes poled our way around the pond with a long pole on a couple of homemade rafts. Each fall it was a family tradition to harvest elderberries and chokecherries for syrup and jelly. The bushes were very productive due to the amount of water they received from the pond and springs. We also picked apples from a nearby tree and the springs produced watercress all year long that was the best! We truly enjoyed the pond and its surroundings.

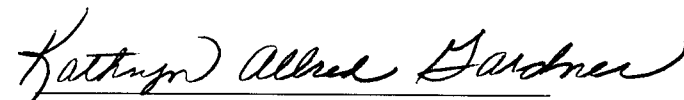
6. I recall seeing small ditches running through most of the property and water from springs and the pond running through the ditches. I was told at the time that the water was used to grow the grass on the property as pasture for the sheep and horses. My sister recalls that potatoes were also grown on the property.

7. My grandfather passed away in 1955 and he left the property to my sister, Mary Ellen Drashner, and me. My father, Howard Allred, continued the flood irrigation practice on the property to keep the pasture grass growing. I observed him using a shovel to move the water around through the various ditches. Although my family no longer raised sheep, we allowed owners of other bands to graze their sheep on the property as they went through heading north in the spring and south again in the fall. My husband, Robert Gardner, used to help my father with the irrigation and he continued to do so after my father passed away. This practice continued right up until the property was sold to St. Luke's Wood River Medical Center in April, 1998.

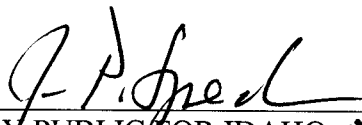
8. My husband, Robert Gardner, outlined in black on Exhibit B the area that I recall being irrigated for pasture grass. I believe it is approximately twenty-five acres in size.

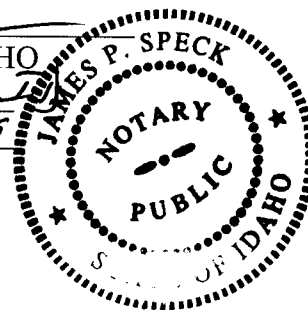
9. The statements made in this affidavit are based upon my own personal knowledge and observations and conversations I had with my grandfather, mother and father, all of whom have now passed away.

DATED this 14 day of October, 2008.


KATHRYN ALLRED GARDNER

SUBSCRIBED AND SWORN TO before me this 14 day of October, 2008.


NOTARY PUBLIC FOR IDAHO
Residing at: Blaine County, ID
Comm. Expires: 1/29/2009



CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of October, 2008, I served a true and correct copy of the within and foregoing document upon the attorney named below in the manner noted:

Albert P. Barker
Shelley M. Davis
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

Attorneys for Tom O'Gara, John Stevenson, Bill Molyneux, Pete Van Der Meulen, Grace Eakin, Gerald Bashaw and Pepin Corso-Harris

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

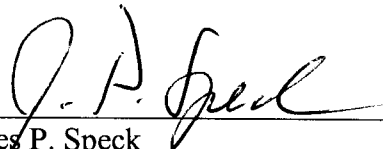
Craig Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

Attorneys for Big Wood Canal Company

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid


James P. Speck

76/319
6/8/1913

WARRANTY DEED RECORD

WARRANTY DEED	
STATE OF IDAHO	County of Blaine
Filed for record at the request of	
P. G. Price	
11 o'clock A.M.	June 2,
1913	
County of Blaine	

THIS INDENTURE, Made the 6th day of July in the year of our Lord one thousand nine hundred and nine BETWEEN Willis D. Johnson, and Willida W. Johnson, her husband of Blaine County, Idaho, Reuben G. Price of the same place

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Dollar and other consideration, to be paid by the said party of the second part, the parties of the first part have acknowledged, have granted, conveyed, sold, retained, released, delivered and confirmed, and by these presents do grant, bargain, sell, release, demise and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described lots, pieces or parcels of land, situated in the County of Blaine and State of Idaho, to-wit:

The Southeast quarter of the Northeast quarter and the East half of the Southeast quarter, of Section thirty (30) The Southwest quarter of the Northeast quarter, the Southeast quarter of the Northeast quarter and the Northeast quarter of the Southwest quarter of Section

(31) thirty-one, The Southeast quarter of the Northeast quarter and the Northeast quarter of the Southwest quarter of Section twenty-nine (29) All in Township Four (4) North of Range eighteen east of the Boise Meridian, Together with all water and water rights ditches and canals in anywise appertaining to said above described lands.

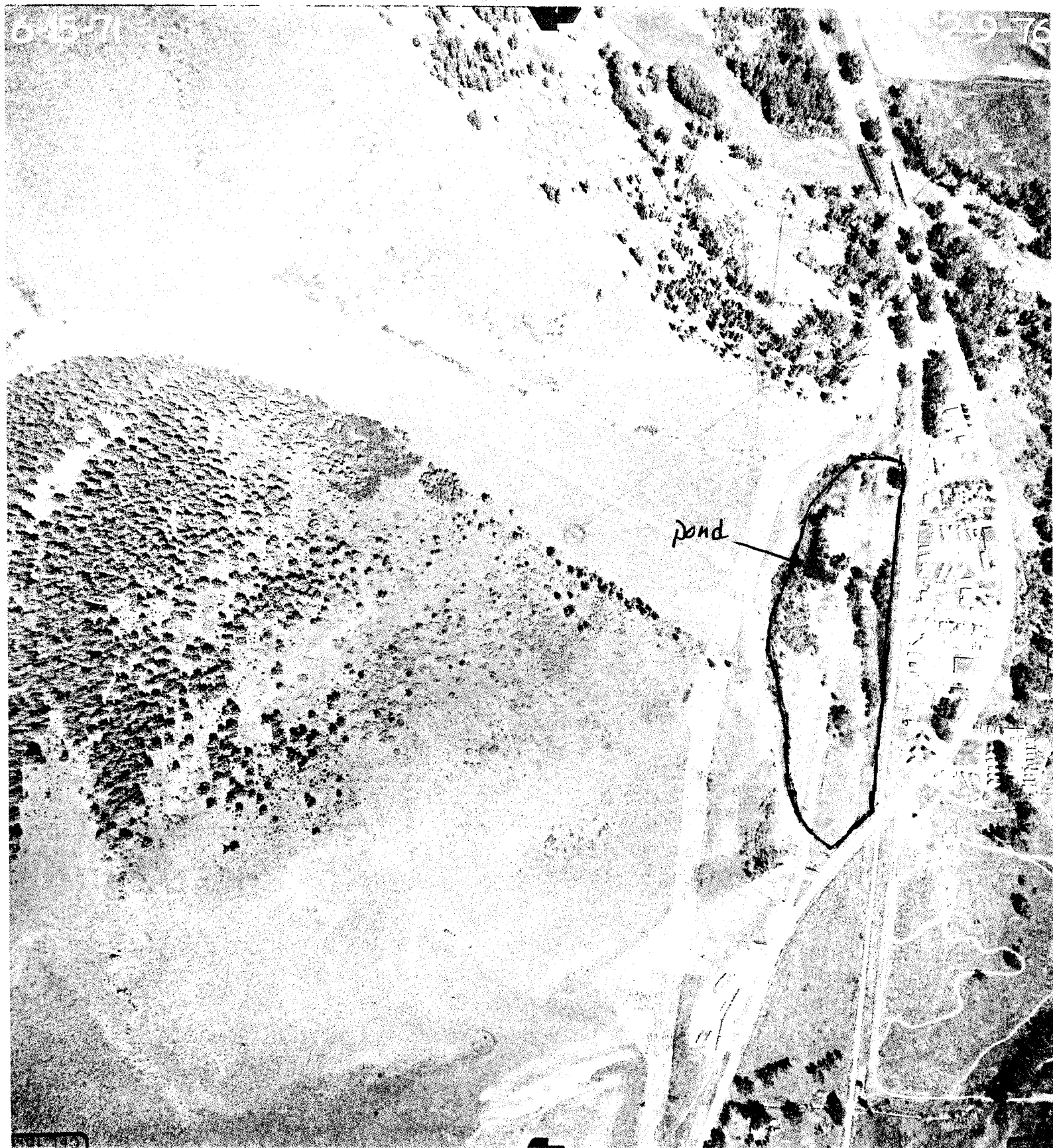
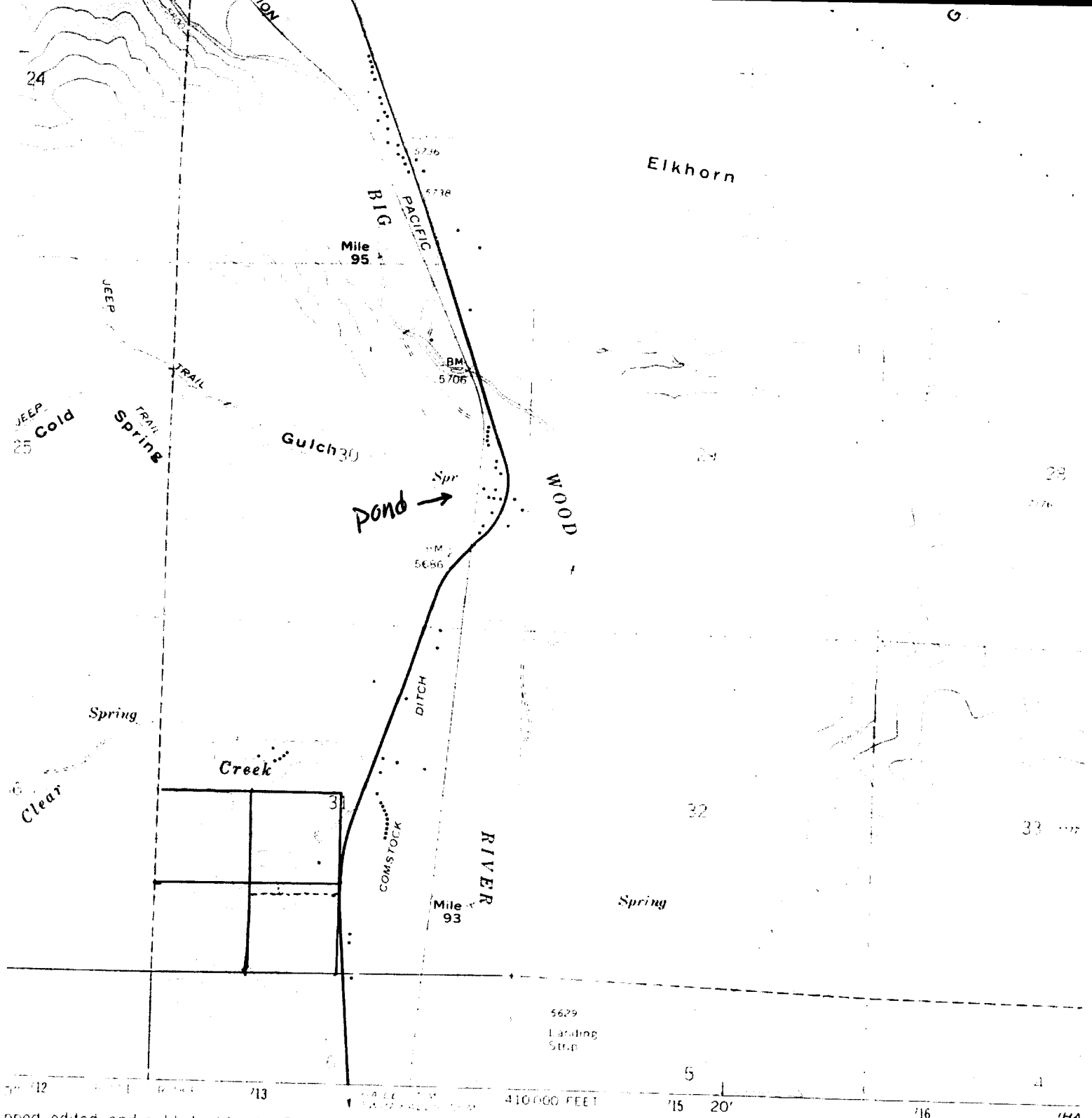


EXHIBIT B



prepared, edited, and published by the Geological Survey
 under contract to the U.S. Army Corps of Engineers

Topography by photogrammetric methods from aerial
 photographs taken 1966. Field checked 1967.

Map projection: 1927 North American datum
 300-foot grid based on Idaho coordinate system
 central zone

10-meter Universal Transverse Mercator grid ticks,
 11, shown in map.

Place on the predicted North American Datum 1983
 and the projection lines 13 meters north and
 13 meters east as shown by dashed corner ticks.

There may be private inholdings within the boundaries of
 National or State reservations shown on this map.

SCALE



CONTOUR INTERVAL
 DOTTED LINES REPRESENT
 NATIONAL GEODETIC DATUM

THIS MAP COMPLIES WITH NATIONAL
 FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS

EXHIBIT C