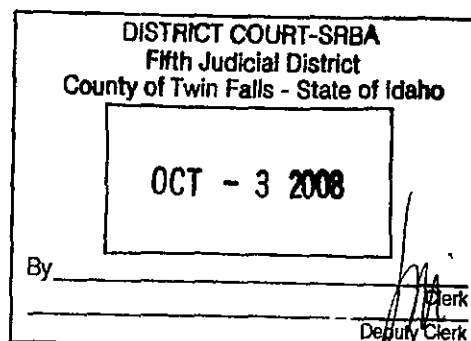


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 e:\efford\77831\statement re prescriptive easement action.doc



Attorneys for Sarah Jane Smith

**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.: 63-7539

Case No. 39576

**SARAH JANE SMITH'S STATEMENT RE:
 ADJUDICATION OF THE PRESCRIPTIVE
 EASEMENT CLAIM**

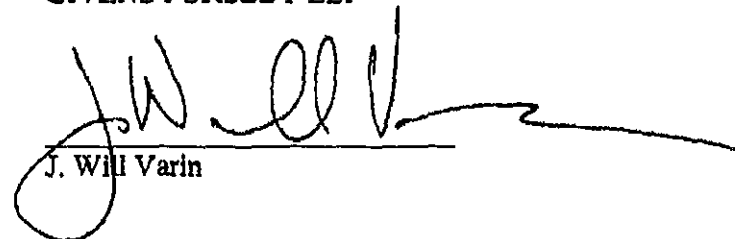
Claimant Sarah Jane Smith, pursuant to the Court's September 17, 2008 Order submits her Statement re: Adjudication of the Prescriptive Easement Claim as follows:

1. Counsel for Sarah Jane Smith has attempted to confer with Whitted's counsel, but as of the filing of this statement, the parties' counsel have not agreed on a course of action in this matter.
2. Sarah Jane Smith does not intend to proceed with her prescriptive easement claim in the SRBA. Sarah Jane Smith intends to take the appropriate steps to have this matter dismissed from the SRBA.
3. In the event Whitted requests the SRBA adjudicate the prescriptive easement issues, Sarah Jane Smith requests a status conference to determine how this matter should proceed.

SARAH JANE SMITH'S STATEMENT RE: ADJUDICATION OF THE PRESCRIPTIVE EASEMENT CLAIM - 1

Dated this 3d day of October, 2008.

GIVENS PURSLEY LLP

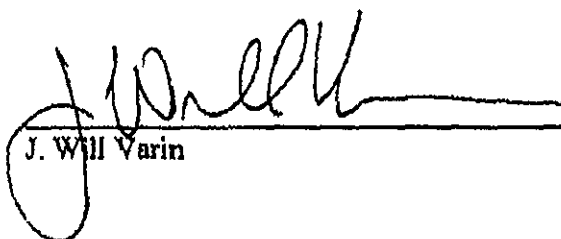

J. Will Varin

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3d day of October, 2008, I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed to the following:

Kimball D. Gourley
Trout Jones Gledhill Furhman, P.A.
225 N. 9th Street, Suite 820
PO Box 1097
Boise, ID 83701-1097

☐ U.S. Mail
☐ By hand
☐ Overnight
☒ Facsimile


J. Will Varin