

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____
2009 APR 6 PM 4 56

RECEIVED
APR 09 2009
DEPARTMENT OF
WATER RESOURCES

In Re SRBA
Case No. 39576

AFFIDAVIT OF DAN TEMPLE

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4. I discovered that the land Mr. Hansen irrigated with water right 36-11508 was marked as "dry land" prior to 1963 on plot maps used by A&B in making its SRBA claims. *See Arrington Aff. Ex. A.*

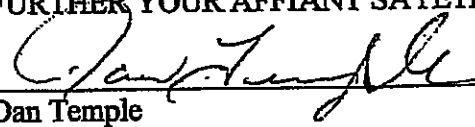
5. Through our research, we discovered that Mr. Hansen's claim to water right 36-11508 was incorrect. We discovered that the right was actually put to beneficial use prior to 1962 -- based on a 1962 aerial photo showing that the land was irrigated.

6. Mr. Hansen is an A&B shareholder and currently uses A&B water to irrigate other properties. Water diverted under water right 36-11508 is likely commingled with his A&B water.

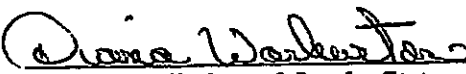
7. I believe that A&B should have originally claimed this water right.

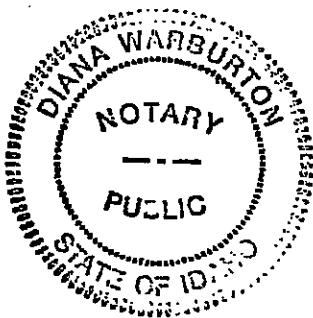
8. Mr. Hansen has informed me that he would withdraw his claim to water right 36-11508, if A&B were to become the owner of the water.

FURTHER YOUR AFFLIANT SAYETH NAUGHT


Dan Temple

SUBSCRIBED & SWORN to before me this 6th day of April, 2009.


Notary Public in and for the State of Idaho
My Commission Expires: 3-26-14



CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of April, 2009, I served a true and correct copy of the foregoing document(s) on the person(s) listed below, in the manner indicated:

Original to:

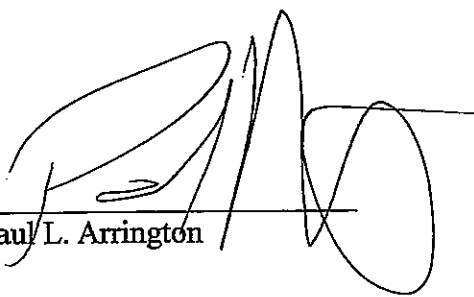
Clerk of the District Court
Snake River Basin Adjudication
253 3rd Ave North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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Paul L. Arrington