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**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

Case No. 39576

A. Subcase: 35-2389

AFFIDAVIT OF WES ALBERTSON

STATE OF IDAHO)
County of Idaho) ss.
)

I, Wes Albertson, do solemnly swear (or affirm) that the testimony given in this sworn statement is the truth, the whole truth, and nothing but the truth, that it is made on my personal knowledge, and that I would so testify in open court if called upon to do so.

And being so sworn I depose and say:

1. I was born on March 9, 1941. I am familiar with the property that is irrigated under Water Right No. 35-2389, which is located in Township 5N, Range 36E, Section 33, which totals approximately 360 acres (the "Property").
2. The Property is now owned by my brother, Kortney Albertson.

3. I was the irrigation manager for six or seven years in the late 1950s and early 1960s. I personally moved irrigation pipe on the Property, and witnessed it being irrigated for many years.
4. My brother, Lyle Albertson, was the irrigation manager on the Property when it was owned by another entity, Snake River Equipment. I assisted Lyle in irrigating the property.
5. During my time working on the Property, the entire Property was irrigated. I know this because Snake River Equipment installed a fence in 1959 or 1960 around the perimeter of the Property, and when I moved the pipe on the Property, the pipe was placed through the fence at the ends of the fields.
6. In 1962, I remember the flood from Willow Creek that eventually led to the construction of the Ririe Dam. The flood impacted the Property, and in particular, the fence sunk on the west side of the Property. That year, 1962, the entire field was planted to grass, and the property was grazed.
7. The irrigation pipe that I used on the Property was 4" hook and latch pipe.
8. The Property has been leased by Kortney Albertson since 1981, and he purchased the Property in 2001.
9. In 1993, Kortney installed a Reinke center pivot on the Property. The center tower was near the location of an old potato cellar that used to exist on the Property. The cellar was removed, and no longer exists today.
10. To the best of my knowledge, the entire Property was irrigated previous to 1987, and has continued to be irrigated to the present day.

DATED this 17th day of September, 2009.

Wesley Albertson
Wes Albertson

SUBSCRIBED AND SWORN TO before me this 17th day of September, 2009.



Gale Scrivner
Notary Public for Idaho
Residing at Roberts, Idaho
My Commission Expires: 01/29/12