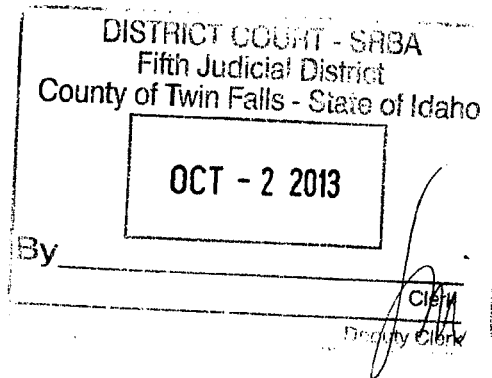


Bruce M. Smith, ISB#3425
MOORE SMITH BUXTON & TURCKE, CHTD.
950 West Bannock Street, Suite 520
Boise, ID 83702
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Facsimile: 208-331-1202
Email: bms@msbtlaw.com



Attorney for J. R. ALLEN/ALLEN RANCH LLP

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

In Re Snake River Basin Adjudication)
Case No. 39576)

Subcase No: 65-3111X

**AFFIDAVIT OF J.R. ALLEN IN
SUPPORT OF MOTION TO
REOPEN DECREE TO CORRECT
POINT OF DIVERSION**

STATE OF IDAHO)
) ss.
County of Ada)

COMES NOW, J. R. ALLEN and declares as follows:

1. My name is J.R. Allen. I am over the age of 18 and I make the following statement based on my own personal knowledge.

2. I am the general partner in Allen Ranch LLP. Through the partnership, I own a ranch in Valley County, Idaho, near Lake Cascade. The ranch is primarily a cattle ranch on which my father and grandfather and I have historically run cattle and now lease grazing rights to other ranchers for grazing.

3. My father and my grandfather ran the ranch before me. The family ownership dates

ORIGINAL

to about 1913 when the land was homesteaded.

4. Allen Ranch has water right 65-3111X which was decreed in the Snake River Basin Adjudication for 2.7 cfs for irrigation of 83 acres during the period 4/15-10/15. The Snake River Basin Adjudication decreed right came from a claim originally filed in the Payette adjudication. The Payette Claim was based on rights established under the 1930 *Allen v. Withers* decree. I believe my father or grandfather helped file the Payette claim. Attached as Exhibit 1 is a copy of the Payette claim from Idaho Department of Water Resources records.

5. The ranch has an upper area on the north end of the ranch that we call the Home Place. There is a ridge between the northern part of the ranch and the southern part.

6. The ranch has always been irrigated since it was homesteaded. As far back as I can remember, the northern part of the ranch, the Home Place, was irrigated from what was known as Little Rock Creek. The southern part of the ranch was irrigated from Rock Creek. Because Rock Creek has greater flows, my grandfather and his friends constructed a diversion and ditch to convey water from Rock Creek to Little Rock Creek. This has always been referred to as the Upper Diversion. The water from Rock Creek diverted through the Upper Diversion then went down Little Rock Creek to irrigate the Home Place and to water livestock.

7. The reason water is conveyed in Little Rock Creek through the Upper Diversion is because, physically, water from Rock Creek cannot be conveyed to the Home Place from the lower reaches of Rock Creek because that would require water to run uphill. The Upper Diversion has been in place since at least 1915 – 1920.

8. In the 1950's, my father sold off some of the ranch and conveyed a small portion of the water right to the purchasers.

9. The sold off part of the ranch was subdivided into lots and sold to individual homeowners. In the past few years some of the homeowners have begun to complain about the diversion of water from Rock Creek to Little Rock Creek for irrigation of the Home Place because they want water left in Rock Creek for their enjoyment notwithstanding the impacts on my ranch. Because of these complaints, I have undertaken to establish that the Upper Diversion is in fact a historical diversion point that has been used since my family homesteaded. My investigation has revealed an error in the claim in the Payette Adjudication in that the Upper Point of diversion was left off. This error was then continued through into the Snake River Basin Adjudication so that the final decree left off the point of diversion.

10. I believe my grandfather or father was involved in submitting the original claim in the Payette Adjudication. However, neither of them would likely have been able to distinguish the legal description of the point of diversion from the actual physical location. They would not likely have had the tools or resources to verify a legal description in those days. However, both of them would definitely know the physical location since they built and worked on the diversion. Since learning of this error, I have worked diligently to try to figure out exactly what happened that would have caused the point of diversion to be omitted. I have talked to a couple of long term residents who confirmed the location and existence of diversion and sought the help of Dr. Tuthill who was in charge of the Payette Adjudication.

11. The conveyance of water from Rock Creek to Little Rock Creek through the Upper Diversion to irrigate the Home Place and water livestock has been ongoing and continuous since long before any lots were sold or houses built. It has continued to the present.

12. Attached as Exhibit 2 is a Court Decree from 1931 known as the *Allen vs. Withers*

Decree. This Decree in paragraph 2 references the Upper Diversion as being in existence in 1931. Exhibit 3 is a map referencing the same case showing the Upper Diversion ditch that conveys water from Rock Creek to Little Rock Creek.

13. Because of the complaints from some of the homeowners about the diversion and use of water, the Idaho Department of Water Resources began looking at the records regarding 65-3111X as well as Water Right 65-3111A, which was a split from the original right for the ranch. Water Right 65-3111A is held by the homeowners association for the area of the ranch that was sold off. The Idaho Department of Water Resources review showed the points of diversion for both rights were incorrect.

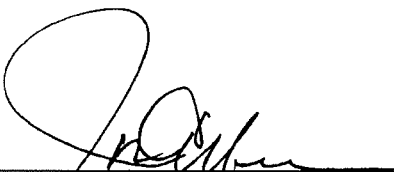
14. I am requesting the Court to set aside the decree for my water right for the limited purpose of correcting the point of diversion so that the historical point of diversion is on the decree. The point of diversion is critical to the historical and present irrigation of the ranch and the watering of livestock.

15. Attached as Exhibits 4 and 5 are Affidavits from Bill Leslie and John Kwader, both long time residents of Cascade who attest to the existence of the point of diversion and their personal knowledge of it.

16. Attached as Exhibit 6 is the Affidavit of Dr. David Tuthill who has also helped with my investigation about how the point of diversion was erroneously omitted. Dr. Tuthill was actually in charge of the Payette Adjudication for IDWR. Dr. Tuthill has determined the point of diversion was simply left off the Payette and SRBA claims and decrees by error. Further, there is no evidence that the omission was anything but an error. I am asking the Court to help correct this error by allowing the point of diversion to be included on my water right.

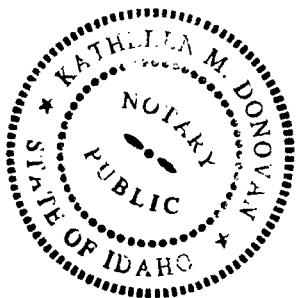
FURTHER YOUR AFFIANT SAYETH NOT.

DATED this 29 day of August, 2013.



J. R. Allen

SUBSCRIBED AND SWORN to before me this 29th day of August, 2013.





NOTARY PUBLIC FOR IDAHO
Residing at: Boise, Idaho
My Commission Expires: 08/08/2018

253711X
I. D. No. May No.
Per Fold Receipt No.

[illegible]

(1) Date of priority (When was the water last collected?) 6/1/1994

Period of the FIRM 4/15 To 10/15
(Mo., Day) (Mo., Day)

Quantity	ICF6. GPD, AFJ	Use	Period of Use From	To
			(Mon, Day)	(Mon, Day)

A) Point of Diversion: Give location of point where water is diverted from its source NE SE

b) Describe means of diversion of water (Pump and pipeline, well, diversion dam, diversion, siphon, etc.)
Give sizes and capacities; be as specific as possible. DIVERSION GATES AND DAMS

(6) A) Describe location of use by listing number of irrigated acres within town or city limits. If the use is located outside the town or city limits, place an "X" in appropriate box to show location.

B) If water is used for other than irrigation, fully describe that use, being as specific as possible.

(7) Effluent, sewage waste, or storm water from _____
_____ has of an organization. List name of organization.

(9) Remarks This flight was
conducted in accordance with the
02 JUL 73 AFM/acc.

☐ C Right based on application, permit, license, or claim filed with the Idaho Department of

Be it known that the undersigned, after being duly sworn, depose and say that the foregoing is true and accurate to the best of (his, her, their) knowledge.

Organisation _____ (Signature of Applicant)

County of _____, State of _____, before me, _____, a Notary Public in and for the State of _____, on this _____ day of _____, 19____, I have personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

corporation, partnership or _____

0 123 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99

EXHIBIT 1

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

MARY R. ALLEN
D. K. ALLEN
Plaintiffs)

-vs-

W. H. WITHERS
MAUD WITHERS
Defendants)

D E C R E E

FINDINGS and CONCLUSIONS

of

COMMISSIONER OF RECLAMATION

Re: DISTRIBUTION AND USE OF WATER
PUEBLO IRRIGATION DISTRICT PROJECT

The complaint of Defendant WITHERS in the above entitled action with reference to the distribution and use of water under the decree: After examination on the ground and from the testimony of the plaintiff and the defendant in the above entitled action, together with that of other parties having knowledge of the facts, this department has arrived at the following findings-of-fact and conclusions as to the rights, duties, and obligations of the respective parties, to-wit:

1. That the State Commissioner of Reclamation of the State of Idaho is the public official having jurisdiction over the distribution and diversion of the water under and pursuant to the terms of the decree herein;

7-15-32

EXHIBIT 2

2. That inasmuch as at the present time there are only about 40 inches of water in ROCK CREEK at Plaintiff ALLEN's upper diversion, whereas he has a prior decree for 160 inches, Defendant WITHERS has no right nor interest in or to the natural flow of ROCK CREEK at this time;
3. That LITTLE ROCK CREEK is not a tributary of ROCK CREEK and that Defendant WITHERS has a prior right under the decree to divert and use all of the water of LITTLE ROCK CREEK up to the amount of his decree, to-wit: 50 miner's inches;
4. That Plaintiff ALLEN has no right to divert and transfer water decreed to him for use upon a specific tract of land to other lands without securing a permit for such transfer from this department, which permit can be secured only by due process of law, with a showing that such diversion would not damage another appropriator;
5. That in this instance the diversion of water from the specific tract of land to which it was decreed to Plaintiff ALLEN for use upon other land would be a damage to Defendant WITHERS for the reason that in regular course and incident to the irrigation of such land said WITHERS now receives the benefit of the use of the return flow, seepage, and percolating waters from the irrigation of the land to which it was decreed, of which use he would be deprived by such change of place of use;

EXHIBIT 2

7-15-92

"A change of place of use of the water will not be permitted where to do so would damage another appropriator." Hall -vs- Blackman (22 Idaho 556)

6. That one WESLEY HARTLEY, who has attempted to divert, and in fact has actually diverted, water from LITTLE ROCK CREEK to irrigate what is known as the WORTHINGTON lands, was not, nor was his predecessor-in-interest, a party to the above entitled action, and the records of this office do not disclose that he has any right, title or interest in and to the waters of LITTLE ROCK CREEK or to any of the streams mentioned in the decree, so it would seem that by his action he is liable to prosecution for unlawful diversion of water and would be liable in damages to any one injured by his acts, but that is a matter outside of the jurisdiction of this Department.

It is assumed that both the plaintiff and the defendant in the above entitled action have copies of the decree in their possession and are familiar with the terms and conditions and requirements thereof, but at this time this department desires to call special attention to the following provisions of the decree:

"IV.

That each of the parties hereto, their agents, servants, employees, successors, and all persons acting in their behalf, or on behalf of either of them, be perpetually enjoined from in any manner interfering with the rights of the other parties hereto to the use of said waters, and in any manner interfering with the ditches, canals, laterals, or other means of diversion or distribution of said waters;

V.

That a miner's inch of water, as herein mentioned, is equivalent to a full 1/50 cubic foot of water per second.

EXHIBIT 2

7-15-32

VI.

That the parties to whom rights are herein allotted and their successors-in-interest shall, at their own cost and expense, install and maintain suitable and efficient headgates, controlling works, and measuring devices at their respective points of diversion from the streams from which water is diverted by them, and all waters herein allotted and decreed shall be measured at said points of diversion; said works and devices shall be built, installed and maintained in accordance with plans and specifications to be approved by the official charged by law with the duty of supervising the distribution of water; all such devices shall be of such design as to accurately measure the water diverted; all such headgates, control works, measuring devices and gauges shall, at all times, be subject to inspection by any party hereto and by the public officials or watermasters having jurisdiction over the distribution and diversion of the waters, and no dam or other obstruction to the natural flow of either of the streams from which water is taken shall be maintained so as to divert water from the channel thereof except through ditches, canals or other works provided with such headgates, control works, and measuring devices; each of the parties hereto is hereby perpetually enjoined from diverting from the channel of either of said streams any water to any ditch, conduit or other device not provided with such headgates, control works and measuring devices."

Under and pursuant to the terms and conditions of the decrees and of Section 5617, Idaho Compiled Statutes, as amended by Chapter 19 (Senate Bill No. 21), Session Laws of 1927, all parties-in-interest are hereby advised and notified to provide suitable headgates, control works, measuring devices, and gauges; failing in which, action will be taken by this Department pursuant to the terms of the above section of the law.

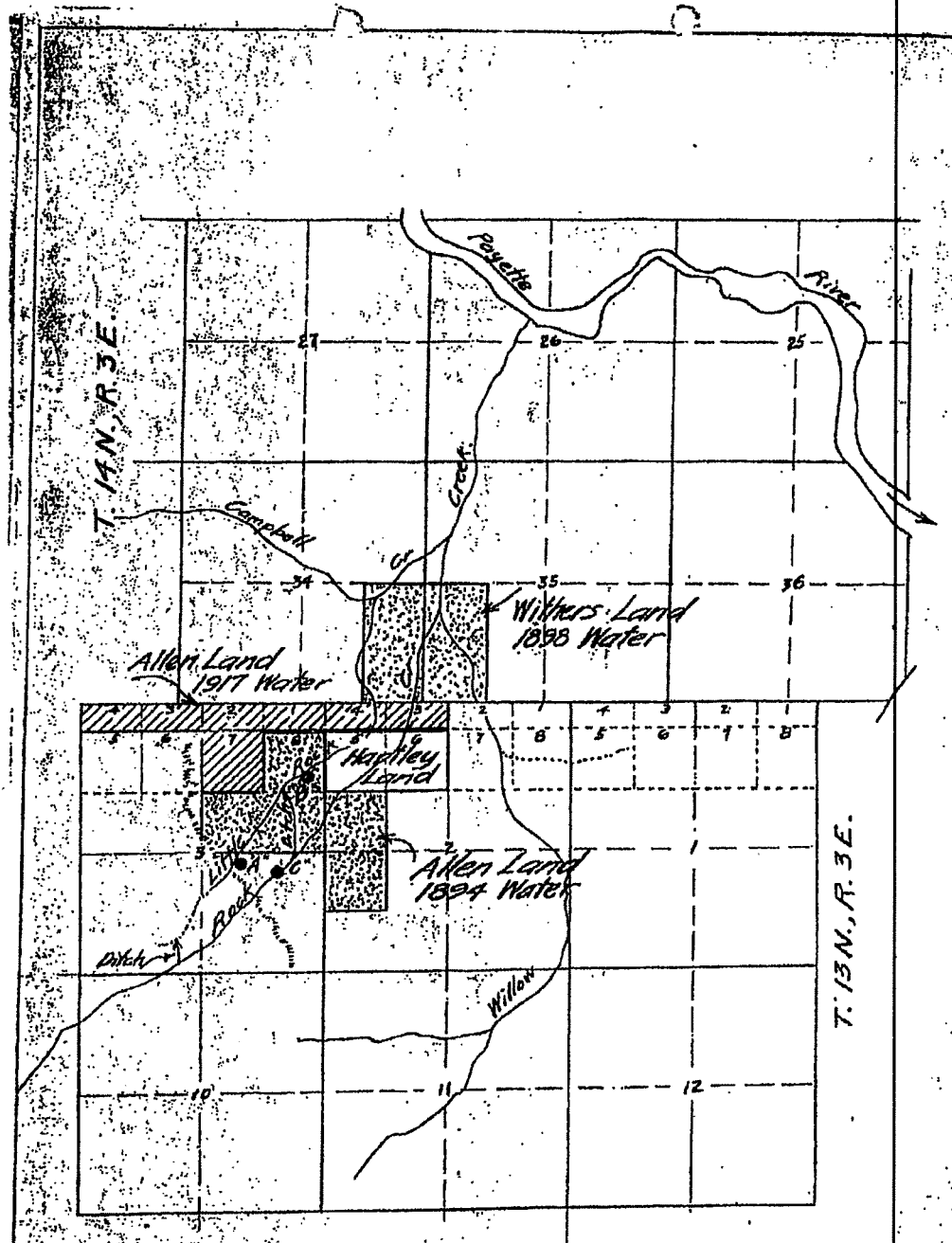
Dated, this 25th day of May, 1931


Commissioner of Reclamation

To: D. K. ALLIST
cc: W. N. WITMERS

EXHIBIT 2

7-15-32



ALLEN vs WITHERS DECREE
 Rock Creek & Little Rock Creek
 Valley County Idaho

7-15-32

EXHIBIT 3

AFFIDAVIT OF BILL LESLIE

STATE OF IDAHO)
County of Ada) ss.

BILL LESLIE, being first duly sworn upon oath, deposes and states:

1. My name is Bill Leslie. I live at 2404 N. 21st Street, Boise, Idaho 83702. I am over the age of 18 and make the following statement based on my own personal knowledge.
2. My family has a ranch in Cascade, Idaho which is adjacent to the Allen Ranch. I grew up working on our family ranch and still work on it.
3. From about 1949 to 1955, when I entered the U.S. Army, I often worked for D.K. Allen, who is J.R. Allen's grandfather. Mr. Allen had me working on haying his ranch and working on irrigation of the ranch.
4. One of the diversions I personally worked on was Mr. Allen's diversion from Rock Creek. He had a ditch which moved water from Rock Creek to Little Rock Creek so he could irrigate his home place, which is the northern part of the Allen Ranch.
5. In those days, we got to the Rock Creek diversion on ~~horseback~~ ^{*on foot*} because there was ^{*The one time I was there we walked*} no road to it. But I know for a fact that the diversion and ditch were there during the years I worked on Mr. Allen's ranch because I helped maintain it for Mr. Allen.
6. The irrigation diversion for Rock Creek is marked on the map attached to this affidavit.

FURTHER YOUR AFFIANT SAYETH NAUGHT

Dated this 9th Sept. 2013 day of ~~August~~, 2013.

William J. Leslie
Bill Leslie

STATE OF IDAHO)
County of Ada) ss.

SUBSCRIBED AND SWORN before me this 9th day of September, 2013.



[Signature]
Notary Public
Residing at Boise, ID
My commission expires 8-8-18

EXHIBIT 4

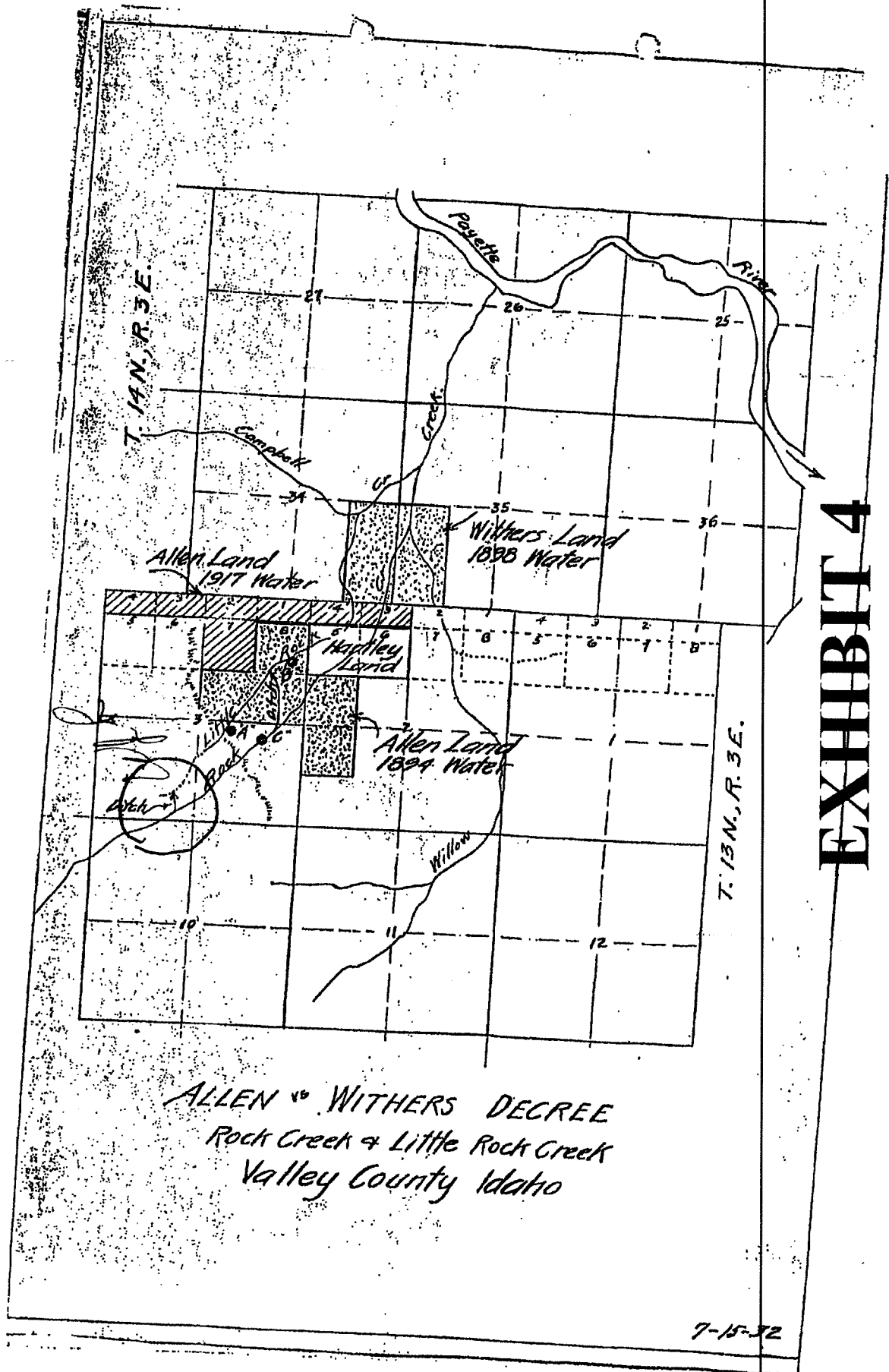


EXHIBIT 4

AFFIDAVIT OF JOHN KWADER

STATE OF IDAHO)
) ss.
County of Valley)

JOHN KWADER, being first duly sworn upon oath, deposes and states:

1. My name is John Kwader and I live at 34 Ilka Lane, McCall Idaho 83638. I am retired from Boise Cascade Corporation. I am over the age of eighteen and make the following statement based on my own personal knowledge.

2. In the late 1970's and through the 1980's I was the Land Manager for Boise Cascade Corporation for the company lands in the Cascade Idaho area. This area included the area of West Mountain in Cascade which is near the Allen Ranch.

3. In the years I was Land Manager, I knew Mr. Pat Allen who is Mr. JR Allen's father.

4. Mr. Pat Allen had a diversion on Rock Creek located on Boise Cascade lands. This diversion, which included a ditch, was located at the place JR Allen calls the Upper Diversion. This diversion and ditch operated to allow the Allens to take Rock Creek water and put it into Little Rock Creek to deliver to the home ranch. The Allens and Boise Cascade had a very good relationship. Boise Cascade in those days did not always have written agreements with neighboring landowners such as the Allens. However, the Company and I knew the Allens had a longstanding irrigation and livestock diversion on the Boise Cascade lands and that the diversion probably had predated Boise Cascade's acquisition of the lands. Neither I nor the company had any concerns or problems with how Mr. Allen operated the upper diversion, and the company always honored Mr. Allen's right to access the diversion.

5. When the company was ready to start logging activities on the lands, I met with Mr. Pat Allen to discuss the operations and make sure that his irrigation ditches were

JPK
John P Kwader

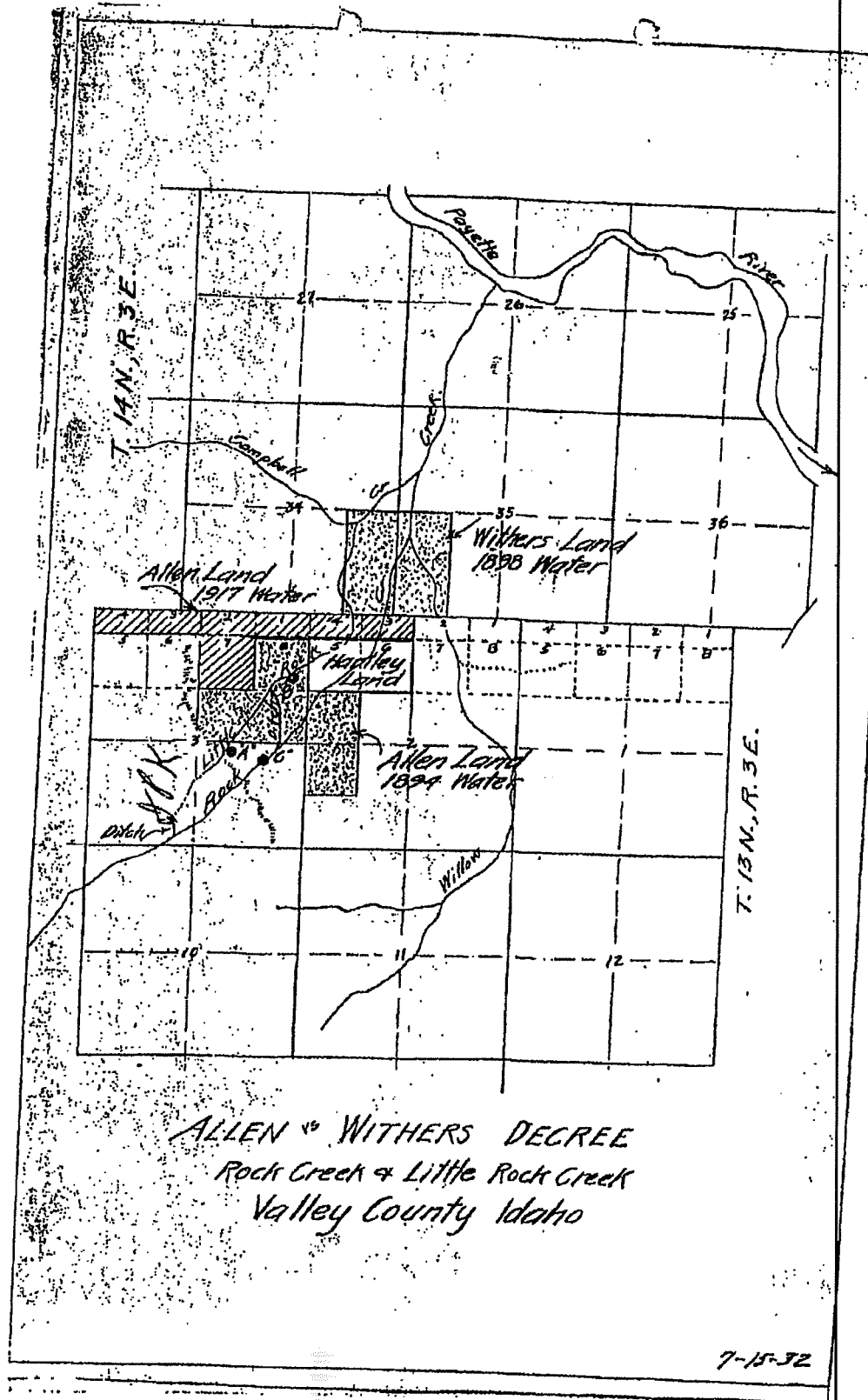


EXHIBIT 5

EXHIBIT 1

AFFIDAVIT OF DR. DAVID R. TUTHILL, JR.

STATE OF IDAHO)
County of Ada) ss.

Dr. David R. Tuthill, Jr., being first duly sworn upon oath, deposes and states:

Background & Qualifications

- 1) I am the founder and owner of Idaho Water Engineering, LLC, an Idaho Limited Liability Company ("Idaho Water Engineering"). Idaho Water Engineering provides professional engineering services related to water rights, water delivery and stream channel protection.
- 2) I have been engaged in the area of Idaho water rights since 1976. I am the author of more than a dozen publications regarding water rights, water right transfers, and water resource development, including most recently a chapter on "*Tackling 21st Century Challenges in Water Rights Management*" in a book entitled "Navigating Government Water Rights Issues" (Published by Thomas Reuters/Aspatore, 2009), a paper entitled "*Role of Hydroinformatics in Development of 21st Century Water Resources Policy*," in the Proceedings of the 8th International Conference on Hydroinformatics, Concepcion, Chile, 2009, and a paper entitled "*Conjunctive Management in Idaho*," published in "The Water Report," Issue 108, February 15, 2013, pp. 1-11.
- 3) My education includes a Bachelor of Science degree in Agricultural Engineering from Colorado State University (1974), a Master of Science degree in Civil and Environmental Engineering from the University of Colorado (1975), and a Doctorate of Philosophy degree in Civil Engineering from the University of Idaho (2002). I have been licensed as a Professional Engineer in Idaho since 1979.

Dr. Tuthill's Positions Within the IDWR

4) I am the former Director of the Idaho Department of Water Resources (IDWR). I worked at the IDWR for more than 33 years, and retired from the agency on June 30, 2009. The positions in which I served were as follows:

- (a) **Director**, January 2007 – June 2009.
- (b) **Administrator, Water Management Division**, May 2005 – December 2006.
- (c) **Adjudication Bureau Chief**, July 1997 – April 2005.
- (d) **Western Regional Office Manager**, July 1985 – June 1997.
- (e) **Water Allocation Section Supervisor**, December 1978 – June 1985.
- (f) **Payette Adjudication Supervisor**, September 1976 – November 1978.
- (g) **Adjudication Supervisor**, January 1976 – August 1976.

5) These positions all included responsibilities related to water rights, some with more direct involvement than others.

6) Of particular note was my assignment as Payette Adjudication Supervisor. In this capacity I supervised Idaho Department of Water Resources activities in the recommendation of water rights for adjudication.

Scope of Engagement

7) As related to the present proceedings, I have been engaged by Mr. J.R. Allen concerning water right No. 65-03111X. I have been asked to explain how the upper point of diversion, located in T13N, R3E, NWSW Section 3, for this water right might have been overlooked in the Payette River Basin Adjudication and subsequently in the Snake River Basin Adjudication.

Process for Investigating and Recommending Water Rights in the Payette River Basin

Adjudication and the Snake River Basin Adjudication

8) The Payette River Basin Adjudication was commenced in the early 1970s. At that time the Idaho Department of Water Resources (and its predecessor agency, the Idaho Department of Water Administration) provided an administrative role in the water right adjudication process. Department staff conducted the following process:

- a) Initiate the water right adjudication process via commencement by the Idaho Legislature or the District Court.
- b) Conduct a hydrographic survey of the basin:
 1. Obtain aerial photographs of the basin at a scale of eight inches to the mile.
 2. Take the aerial photographs into the field and annotate streams, ditches, diversions and fields directly on the aerial photographs.
 3. Draw maps of the basin at a scale of eight inches to the mile on vellum, a translucent product. Take care to annotate all known hydrography on the vellum. Use United States Geologic Survey quadrangle maps as references where they are available.
 4. Make blueline prints of the vellum maps using an ammonia process, similar to the preparation of construction blueprints.
- c) Take a set of blueline prints into the Office of the County Assessor and annotate on the prints the owners of potentially irrigated property.
- d) Convey property ownership information to the vellum originals.

- e) Review Department water right files and depict water rights on the vellum maps.
 - f) Develop a list of property owners in the basin who might have water rights, using information from the maps and information in the files of the Department.
 - g) Work with the District Court to legally join potential water users to the adjudication, providing an opportunity to come into Department offices or field workshops to view the maps and file claims to water rights in the adjudication. Review the claims and make recommendations to the District Court regarding the suggested disposition of each claim.
- 9) The District Court ultimately decreed the water rights in the Payette River Basin Adjudication. The Snake River Basin Adjudication normally used the results of the Payette River Basin Adjudication for its determinations.

**Potential to Inadvertently Miss an Existing Point of Diversion in the
Water Rights Adjudication Process**

10) Department staff conscientiously attempted to create thorough maps, but sometimes points of diversion were inadvertently omitted from maps. In the case of Water Right No. 65-3111X, the upper diversion appears to be located in a forested area and the hydrographic surveyor might have missed seeing it. Also, Mr. Pat Allen, the owner of the water right during the Payette River Basin Adjudication, was responsible for many water rights and could have overlooked claiming this diversion if not reminded of it by the map. Misunderstandings over the location of a diversion described by a legal description is not an unheard-of problem in some of the older adjudication proceedings.

The maps sometimes did not coincide with the legal description. In the IDWR file is a map dated July 15, 1932. This map was included in the *Allen v. Withers* decree and clearly depicts an upper diversion. Please see Exhibit 1. This map, for a number of reasons, might not have been available to the hydrographer who updated the mylar maps. I have reviewed copies made from either the original mylar maps or from blue-line maps copied from the mylar maps, and the upper diversion does not appear to be depicted on these copies. Please see attached Exhibits 2 and 3. I am familiar enough with the process used in the Payette Adjudication that I recognize Exhibits 2 and 3 as documents from the Payette Adjudication review process and recognize the handwriting on the maps. My belief is that the upper diversion was overlooked in the initial hydrographic survey because the diversion is clearly shown on the *Allen vs. Withers* map. The maps, Exhibits 2 and 3, from the IDWR files do not explain the omission of the point of diversion depicted on the *Allen vs. Withers* decree map. However the absence of the diversion on the maps does not mean the diversion did not exist notwithstanding being missed during the review process.

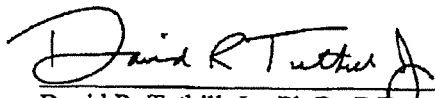
11) In addition to the *Allen vs. Withers* decree maps I referred to above as Exhibit 1, I have interviewed Mr. J.R. Allen (son of Mr. Pat Allen who filed the claims in the Payette River Basin Adjudication), who provided very specific details of the history of the diversion which he refers to as the Allen Upper diversion. His specific knowledge, coupled with the *Allen vs. Withers* map, clearly confirms in my mind there was a diversion consisting of a ditch which connected Rock Creek to Little Rock Creek. Based on the map, the ditch would have allowed water in Rock Creek to be diverted into Little Rock Creek, which is how Mr. Allen has explained the diversion operated for many years

including today. According to my discussion with Mr. Allen, he confirms the diversion has been used for decades and has continued to the present even if it was mistakenly overlooked in the Payette River Basin Adjudication and the Snake River Basin Adjudication.

12) In my opinion, Exhibit 1 clearly establishes the point of diversion which Mr. Allen references as his upper point of diversion as existing in 1932. Unfortunately, there are no clear records or information as to why this point of diversion was left off the maps and not included in the Payette Adjudication. However, it is my opinion that this is simply an error that can and should be rectified without worrying at this point about whether someone was at fault. It is simply an error that should be acknowledged and corrected.

FURTHER YOUR AFFIANT SAYETH NAUGHT

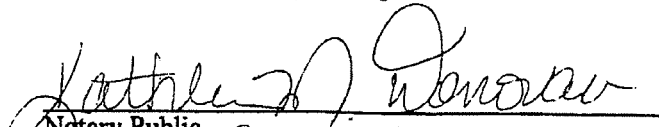
Dated this 26th day of August, 2013.

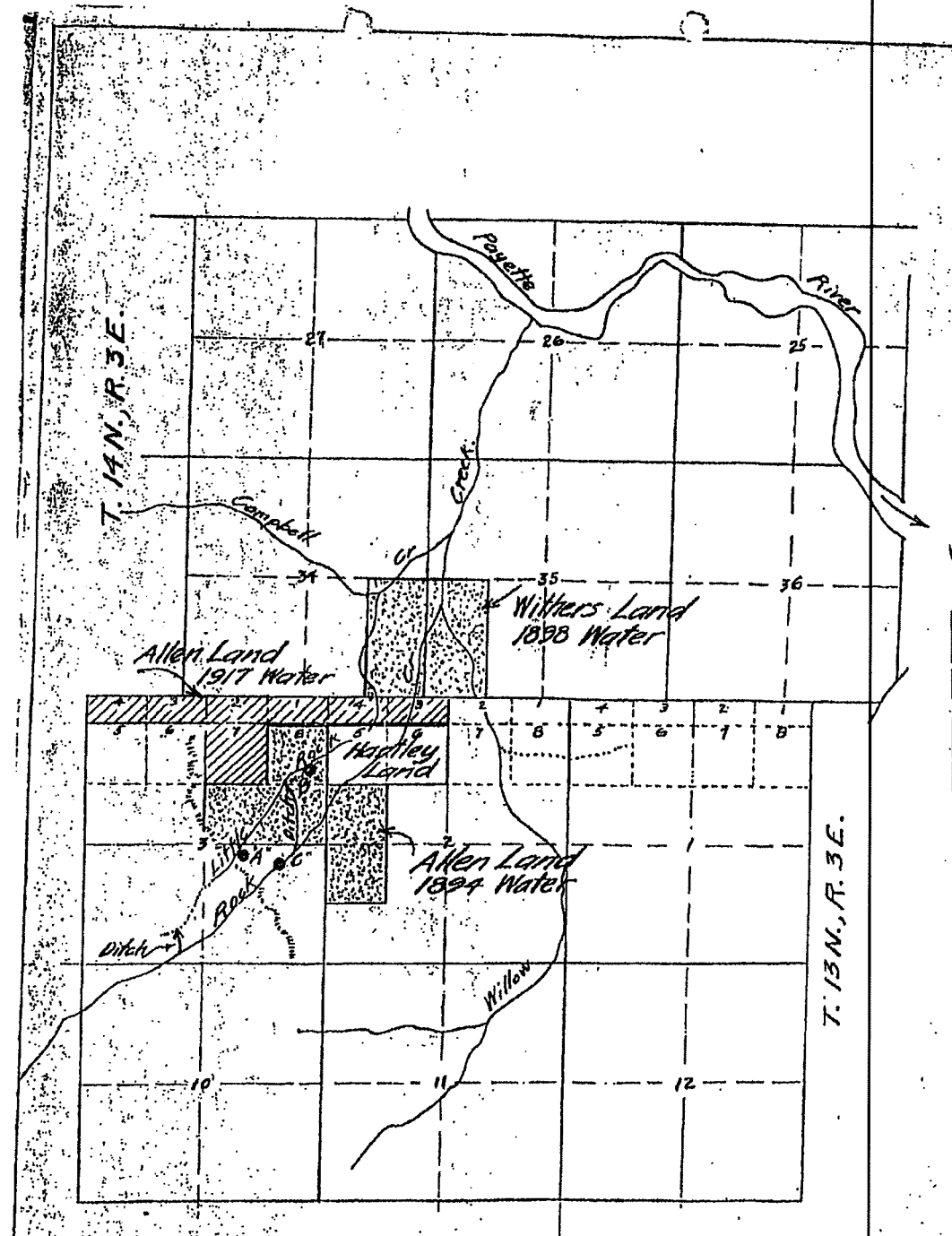

David R. Tuthill, Jr., Ph.D., P.E.

STATE OF IDAHO)
County of Ada) ss.

SUBSCRIBED AND SWORN before me this 26th day of August, 2013.




Notary Public
Residing at Boise, ID
My commission expires 8-8-2018



ALLEN vs WITHERS DECREE
Rock Creek & Little Rock Creek
Valley County Idaho

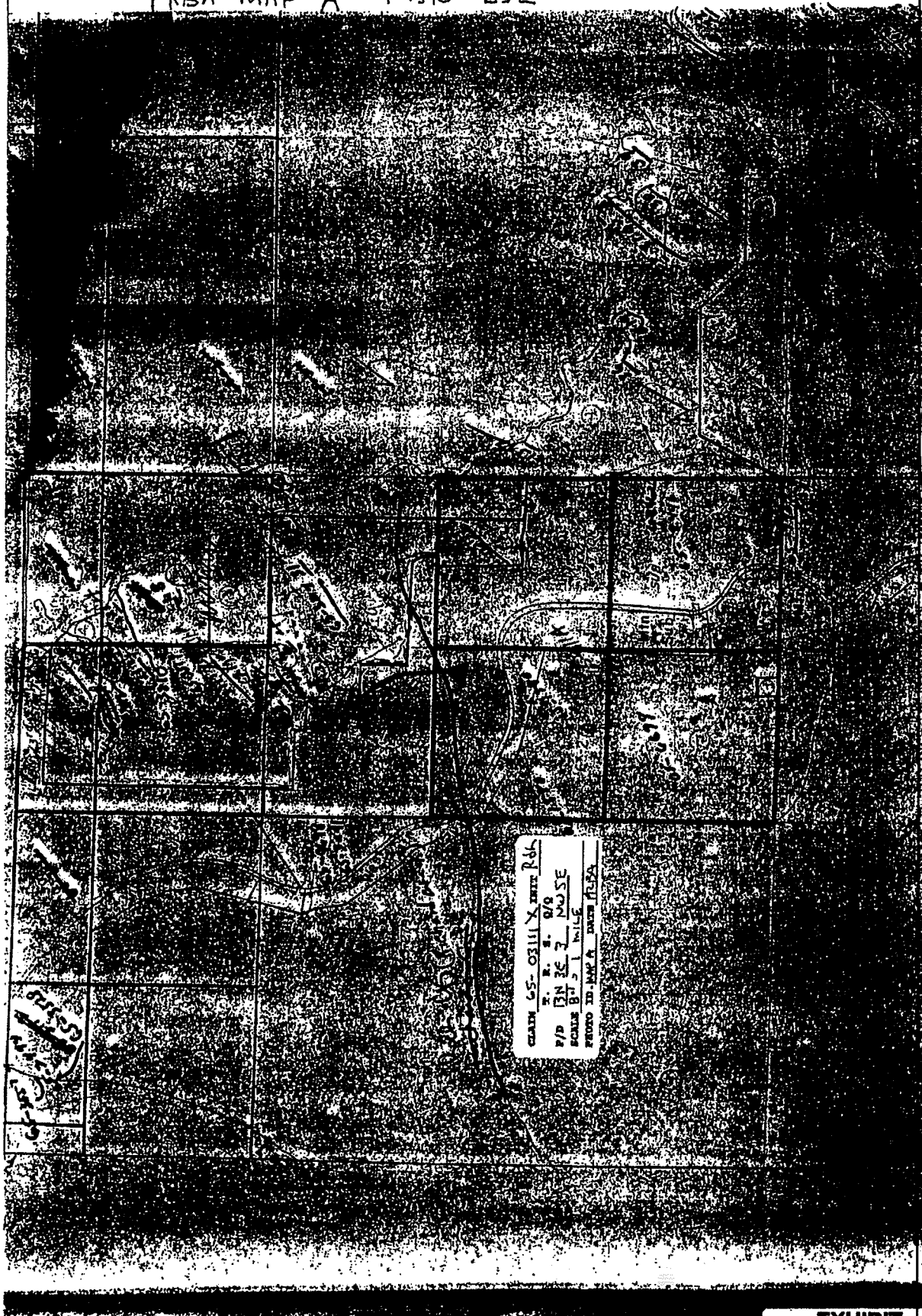
EXHIBIT

1

7-15-32

EXHIBIT 6

PRBA MAP "A" T13N E3E



CLARK 65-03111 X-BERT R66
T. R. 4. 8/8
P/D BN 26 2 NOISE
SCALE 8" = 1 MILE
PHOTO TO MAP 4 DATE 11/5/54

EXHIBIT 6

EXHIBIT

2

