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Attorneys for Malinda and Vincent Tracy

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

In Re SRBA

Case No. 39576

Subcase Nos. 74-15911

**AFFIDAVIT OF ROBERT
STODDARD**

STATE OF IDAHO)
) ss.
County of Lemhi)

ROBERT STODDARD, being first duly sworn upon oath, deposes and says:

1. I am over the age of eighteen and state the following based upon my own personal knowledge.
2. I was born in 1950 in Salmon, Idaho.
3. My father is James F. Stoddard. My father owned hundreds of acres that he farmed and ranched. I grew up on the ranch. Much of the property, as I understand it, is now owned by Eagle Valley Ranch.

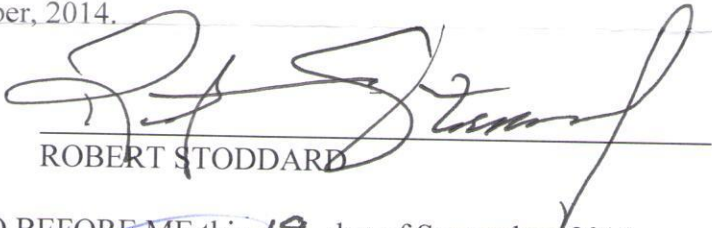
4. My father was a real irrigator. He knew how to get as much out of his water as possible by reusing it.

5. One way he came up with to reuse water was to build a pond on the property that is above where Malinda and Vincent Tracy presently live.

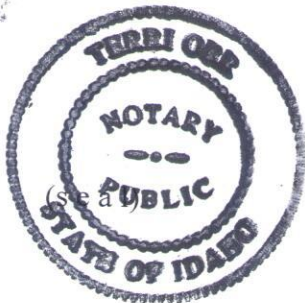
6. When I was 10 to 12 years old, I remember watching my father build the pond with a bulldozer. This would have been sometime between 1960 to 1962. One thing I remember about my father building the pond was watching him get the bulldozer stuck. The pond was designed to capture waste water coming off the fields, in order to reuse it on other land. As I recall, the earthen dam was approximately 8 – 12 feet high, and approximately 6 – 8 feet wide. The width of the pond was approximately 50 feet. The pond was approximately 10 feet deep.

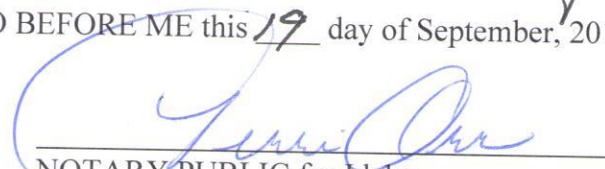
7. There were two parcels of land that the waste water from the pond was designed to irrigate. One parcel was called the “seed plot” and the other was called “the 17 acres,” which was located below the pond. The property that Malinda and Vincent Tracy presently own is located on “the 17 acres.” Water was diverted out of the pond by a ditch, then across the Jolly Ditch through a culvert, to “the 17 acres.” We grew hay and potatoes on “the 17 acres.” I remember raking hay when I was 14 or 15 years old.

DATED this ____ day of September, 2014.


ROBERT STODDARD

SUBSCRIBED AND SWORN TO BEFORE ME this 19 day of September, 2014.




NOTARY PUBLIC for Idaho
Residing at: Salmon, Idaho
My Commission Expires: September 13, 2016