

AFFIDAVIT OF USE OF SWAN LAKE CREEK
STATE OF IDAHO)

:ss.

COUNTY OF BANNOCK

Robert Hadley, being first duly sworn, states:

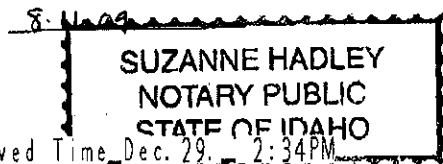
1. My father, born in 1880, was one of the early residents of Swan Lake.
2. I was born in 1924.
3. I have been a resident of Swan Lake for 81 years.
4. The family farm in Swan Lake which is now operated by my son, Kent Hadley, has been in our family for 115 years and is located less than one-half mile from the church property.
5. Elizabeth Quigley is my grandmother.
6. The parcel deeded to the LDS Church in 1912 by Elizabeth Quigley was part of the original townsite that received six hours of water from Swan Lake Creek every nine days to water gardens in the townsite from ditches crossing the church property. To my knowledge the six hours of water used for the townsite was the same water conveyed with the church property in the 1912 deed.
7. The Creek was used in this manner until the 1960's. Due to the maintenance required to keep the ditches clean and the difficulty raising gardens with nine days between water turns, the town converted to the Swan Lake drinking water system to irrigate gardens at that time. The ditches were plowed in at that time. The church was given one share in the community drinking water system.
8. In the early 1970's, the LDS Church was rebuilt. At that time a picnic area was created behind the church which is used by the community.
9. The church grounds and picnic area were watered with a pipeline from the cemetery well on top of the hill to the north from the time the picnic area was created until 1994. The church continued to utilize their share in the community drinking water system until 1994.
10. In 1994, a well was drilled at the church. The church grounds and picnic area (total of 1.2 acres) have been watered from 1994 to the present with the well at the church. In 1994, the church gave up its share in the community drinking water system.

Affiant

Dated: 20, December 2005Robert Hadley
Robert Hadley

On the 20th day of December, 2005, Robert Hadley, being first duly sworn, says he has read the foregoing Affidavit of Use; he knows the statements made are true based on his personal knowledge; and he is the signer of the document.

Commission expires:



Suzanne Hadley
NOTARY PUBLIC
Residing in Swan Lake, ID 83417