

AFFIDAVIT OF GAR HODGES

STATE OF ARIZONA,)
) ss.
County of La Paz .)

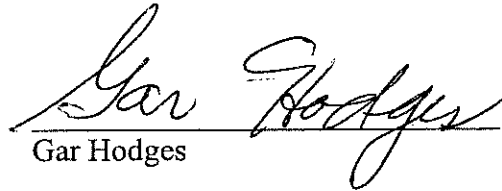
Gar Hodges, hereby states under penalty of perjury that the following is true and correct:

1. My name is Gar Hodges. I reside at 304 W Avenue J, Jerome, ID 83338, and my age is 88 years.
2. In 1935 I worked with my father who trailed sheep over to the Salmon area and bought the ranch and property which is now owned primarily by the George Rice family, the Capps family, Bill Gattung and Jason Beyler.
3. My dad then developed what is known as the “Highline Ditch” which eventually watered these lands. The ditch was constructed by contract with the Corbitt family. It had to be constructed in segments due to several swells and ravens.
4. At no time from the beginning of the construction of the ditch to when I sold my lands and moved from the Salmon area were the lands now owned by Mr. Benzon intended to be watered nor were they ever watered from said Highline Ditch or any diversion off from said ditch.
5. The lands were then deeded from my father to his children, including Deleith Hodges (Rice), Paul Hodges and myself.
6. It is my understanding that the lands originally owned by Paul Hodges are now owned by the Capps family. I also understand that my lands were eventually deeded

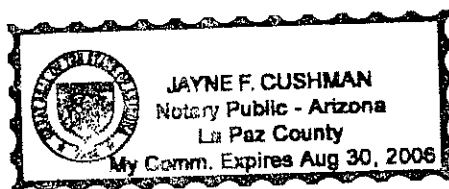
to Bill Gattung, Jason Beyler and others. My sister Deleith's property is still owned by the Rice family as far as I understand it.


7. From my own personal knowledge, since the beginning of the Highline Ditch's construction, at no time did the Highline Ditch carry any water for the lands now owned by Mr. Benzon nor was any water diverted from the Highline Ditch for any lands now owned by Mr. Benzon.
8. During the entire time I resided and owned lands in the Salmon area, the Benzon property was never developed for irrigation. It only grew large sage brush (further evidencing no irrigation activity upon the property) and the only use of the property was from an old saw mill that was constructed there during some of the time I resided in the area. Never was any water diverted from any creek or ditch to the Benzon property to my knowledge.

FURTHER YOUR AFFIANT SAITH NOT.


Gar Hodges

SUBSCRIBED AND SWORN To before me this 4th day of ~~January~~ ^{Feb}, 2003.




Notary Public for Arizona
Residing at: Quartzsite
My Commission Expires: 8/30/06