

Pursuant to S. Ct. Prac. R. X, Section 7, Relators, by and through their counsel, hereby submit Volume Three of Relators' Presentation of Evidence, which consists of the following documents under the corresponding sequential tabs:

<u>Tab</u>	<u>Description</u>
54.	<p>Affidavit of Charles J. Meier, which includes the following exhibits:</p> <p>Exhibit 1: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Numbers 26-052600.0000, 26-052700.0000 and 26-052700.0100 with shaded area depicting 2003 flooding.</p> <p>Exhibit 2: Photographs of the flooding of Mercer County Parcel numbers 26-052600.0000, 26-052700.0000 and 26-052700.0100 in 2003.</p> <p>Exhibit 3: Photographs of the flooding of Mercer County Parcel numbers 26-052600.0000, 26-052700.0000 and 26-052700.0100 in 2005.</p> <p>Exhibit 4: Photographs of the flooding of Mercer County Parcel numbers 26-052600.0000, 26-052700.0000 and 26-052700.0100 in 2008.</p>
55.	<p>Affidavit of Mary K. Meier, which includes the following exhibits:</p> <p>Exhibit 1: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 26-052700.0100 with shaded area depicting 2003 flooding.</p>
56.	<p>Affidavit of Amy L. Meyer, which includes the following exhibits:</p> <p>Exhibit A: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 42-001000.0000 with shaded area depicting 2003 flooding.</p> <p>Exhibit B: Photograph of the flooding of Mercer County Parcel Number 42-001000.0000 in 2003.</p> <p>Exhibit C: Photograph of the flooding of Mercer County Parcel Number 42-001000.0000 in 2003.</p> <p>Exhibit D: Photograph of the flooding of Mercer County Parcel Number 42-001000.0000 in 2003.</p> <p>Exhibit E: Photograph of the flooding of Mercer County Parcel Number 42-001000.0000 in 2003.</p>

Exhibit F: Photograph of the flooding of Mercer County Parcel Number 42-001000.0000 in 2003.

Exhibit G: Photograph of the flooding of Mercer County Parcel Number 42-001000.0000 in 2003.

Exhibit H: Photograph of the flooding of Mercer County Parcel Number 42-001000.0000 in 2003.

Exhibit I: Photograph of the flooding of Mercer County Parcel Number 42-001000.0000 in 2003.

Exhibit J: Photograph of the flooding of Mercer County Parcel Number 42-001000.0000 in 2003.

57. Affidavit of Jerome L. Meyer, which includes the following exhibits:

Exhibit A: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 42-001000.0000 with shaded area depicting 2003 flooding.

Exhibit B: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 26-041500.0000 with shaded area depicting 2003 flooding.

Exhibit C: Photograph of the flooding of Mercer County Parcel Number 26-041500.0000 in 2003.

58. Supplemental Affidavit of Jerome L. Meyer, which includes the following exhibits:

Exhibit 1: Photographs of the flooding of Mercer County Parcel Number 42-001000.0000 on March 14, 2010.

Exhibit 2: Photographs of the deposit and soil erosion on Mercer County Parcel Number 42-001000.0000 on March 15, 2010.

59. Affidavit of William M. Muhlenkamp, which includes the following exhibits:

Exhibit 1: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Numbers 29-003300.0000 and 29-004400.0000 with shaded area depicting 2003 flooding.

60. Supplemental Affidavit of William M. Muhlenkamp

61. Affidavit of James Post, Power of Attorney for Opal L. Post (8/24/2009)
62. Affidavit of James Post (3/31/2010), which includes the following exhibits:
- Exhibit 1: Photographs of the flooding of Mercer County Parcel Number 29-004200.0000 on Mach 14, 2010.
- Exhibit 2: Photographs of the flooding of Mercer County Parcel Number 28-011400.0000 on Mach 14, 2010.
- Exhibit 3: Video of the flooding of Mercer County Parcel Numbers 29-004200.0000 and 28-011400.0000 on Mach 14, 2010.
63. Affidavit of Michael Post
64. Affidavit of Brenda S. Powell (10/15/2009), which includes the following exhibits:
- Exhibit A: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 28-010400.0100 with shaded area depicting 2003 flooding.
- Exhibit B: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 42-014000.0100 with shaded area depicting 2003 flooding.
65. Affidavit of Brenda S. Powell (3/31/2010), which includes the following exhibits:
- Exhibit 1: Photographs of the flooding of Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 on March 14, 2010.
- Exhibit 2: Video of the flooding of Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100, the Stein Farm and the spillway on March 14, 2010.
66. Affidavit of Jerry W. Powell, which includes the following exhibits:
- Exhibit A: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 28-010400.0000 with shaded area depicting 2003 flooding.
- Exhibit B: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 42-014000.0000 with shaded area depicting 2003 flooding.

Exhibit C: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 42-024200.0000 with shaded area depicting 2003 flooding.

Exhibit D: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 42-016900.0000 with shaded area depicting 2003 flooding.

Exhibit E: Photographs of the flooding of Mercer County Parcel Number 42-016900.0000 in 2003.

Exhibit F: Photographs of the flooding of Mercer County Parcel Number 42-016900.0000 in 2003.

Exhibit G: Photographs of the flooding of Mercer County Parcel Number 42-016900.0000 in 2003.

67. Affidavit of Thomas L. Powell, which includes the following exhibits:

Exhibit A: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 28-010400.0100 with shaded area depicting 2003 flooding.

Exhibit B: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 28-014000.0100 with shaded area depicting 2003 flooding.

Exhibit C: Photograph of the flooding of Mercer County Parcel Number 28-010400.0100 in 2003.

68. Affidavit of William Ransbottom, which includes the following exhibits:

Exhibit A: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 28-013400.0000 with shaded area depicting 2003 flooding.

Exhibit B: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 28-013500.0000 with shaded area depicting 2003 flooding.

Exhibit C: Photographs of the flooding of Mercer County Parcel Number 28-013400.0000 and 28-013500.0000 in 2003.

69. Affidavit of Thomas D. Rasawehr, which includes the following exhibits:

Exhibit 1: DVD-R of video clips and digital photographs of the of Mercer

County Parcel Number 42-001300.0000 between March 13 and March 14, 2010.

70. Affidavit of Carl W. Rose (8/25/2009), which includes the following exhibits:

Exhibit A: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 42-018500.0000 with shaded area depicting 2003 flooding.

71. Affidavit of Carl W. Rose (8/25/2009), which includes the following exhibits:

Exhibit A: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 42-019700.0000 with shaded area depicting 2003 flooding.

Exhibit B: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 42-019800.0000 with shaded area depicting 2003 flooding.

72. Affidavit of Lucile M. Rose, which includes the following exhibits:

Exhibit A: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 42-018500.0000 with shaded area depicting 2003 flooding.

73. Affidavit of Bonita A. Searight, which includes the following exhibits:

Exhibit A: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 26-011900.0000 with shaded area depicting 2003 flooding.

Exhibit B: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 26-030700.0200 with shaded area depicting 2003 flooding.

Exhibit C: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 26-030700.0000 with shaded area depicting 2003 flooding.

Exhibit D: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 26-030700.0300 with shaded area depicting 2003 flooding.

74. Affidavit of Robert E. Searight, which includes the following exhibits:

Exhibit A: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 26-011900.0000 with shaded area depicting 2003

flooding.

Exhibit B: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 26-030700.0200 with shaded area depicting 2003 flooding.

Exhibit C: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 26-030700.0000 with shaded area depicting 2003 flooding.

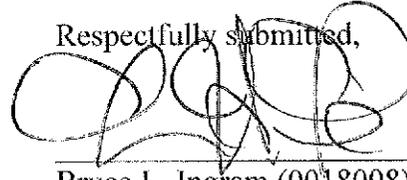
Exhibit D: Aerial map from the Mercer County Auditor's website of Mercer County Parcel Number 26-030700.0300 with shaded area depicting 2003 flooding.

75. Supplemental Affidavit of Robert E. Scaright, which includes the following exhibits:

Exhibit 1: Photographs of the drainage tile damage and failure, crop loss, erosion and soil compaction on Mercer County Parcel Numbers 26-011900.0000 and 26-030700.0200 in 2003.

Dated: May 26, 2010

Respectfully submitted,



Bruce L. Ingram (0018008) (*Counsel of Record*)

Joseph R. Miller (0068463)

Thomas H. Fusonie (0074201)

Kristi Kress Wilhelmy (0078090)

Martha C. Brewer (0083788)

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Columbus, OH 43216-1008

Tel: (614) 464-6480 Fax: (614) 719-4775

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jrmiller@vorys.com

thfusonie@vorys.com

kkwilhelmy@vorys.com

mcbrewer@vorys.com

Attorneys for Relators

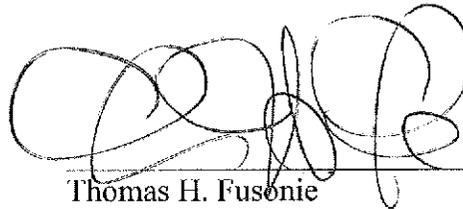
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was served upon the following, via U.S. Mail postage prepaid, this 26th day of May, 2010:

William J. Cole
Mindy Worly
Jennifer S.M. Croskey
Assistant Attorneys General
30 East Broad Street, 26th Floor
Columbus, Ohio 43215

Dale T. Vitale
Daniel J. Martin
Rachel H. Stelzer
Assistant Attorneys General
Environmental Enforcement Section
2045 Morse Road # D-2
Columbus, Ohio 43229

Attorneys for Respondents

A handwritten signature in black ink, appearing to read 'THF', is written over a horizontal line. The signature is highly stylized and cursive.

Thomas H. Fusonie

7. Specifically, as a result of ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Number 26-052600.0000, 26-052700.0000, and 26-052700.0100 have flooded almost every year and some years, they have flooded several times. On each occasion, 26-052600.0000, 26-052700.0000, and 26-052700.0100 were inundated with water at depths varying from approximately one to three feet.

8. Since ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 26-052600.0000, 26-052700.0000, and 26-052700.0100 floods more rapidly and remains flooded for longer periods of time. On each occasion of flooding, Mercer County Parcel Numbers 26-052600.0000, 26-052700.0000, and 26-052700.0100 remained inundated with water for a period of up to two weeks.

9. Prior to ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 26-052600.0000, 26-052700.0000, and 26-052700.0100 had less frequent flooding, never flooded as much, never flooded over as large an area, never flooded for as long.

10. To date, the most invasive flood occurred in 2003 with approximately 65.72 acres of Mercer County Parcel Numbers 26-052600.0000, 26-052700.0000, and 26-052700.0100 being flooded with approximately one to three feet of water for approximately up to two weeks. A true and accurate copy of a black and white aerials from the Mercer County Auditor's website of Mercer County Parcel Numbers 26-052600.0000, 26-052700.0000, and 26-052700.0100 are attached hereto as Exhibit 1. I have shaded in the area of the parcel that was flooded in 2003.

11. Attached hereto as Exhibit 2 are photographs that truly and accurately depict the flooding of Mercer County Parcel Numbers 26-052600.0000, 26-052700.0000, and 26-052700.0100 in 2003.

DON000478

12. Mercer County Parcel Numbers 26-052600.0000, 26-052700.0000, and 26-052700.0100 also experienced severe flooding in 2005. Indeed, the flooding in January 2005 was so extensive that it flooded at least the first four roads that cross Beaver Creek west of the spillway.

13. Attached hereto as Exhibit 3 are photographs that truly and accurately depict the flooding of Mercer County Parcel Numbers 26-052600.0000, 26-052700.0000, and 26-052700.0100 in 2005.

14. Mercer County Parcel Numbers 26-052600.0000, 26-052700.0000, and 26-052700.0100 also experienced severe flooding in 2008.

15. Attached hereto as Exhibit 4 are photographs that truly and accurately depict the flooding of Mercer County Parcel Numbers 26-052600.0000, 26-052700.0000, and 26-052700.0100 in 2008.

16. Mercer County Parcel Numbers 26-052600.0000 and 26-052700.0000 were again flooded as recently as spring 2009.

17. As a direct result of the flooding, Mercer County Parcel Numbers 26-052600.0000, 26-052700.0000, and 26-052700.0100 have suffered damage in the form of crop losses, bank erosion, the deposit of debris, soil compaction and drainage tile failure. In addition, my barn and home flooded in 2003.

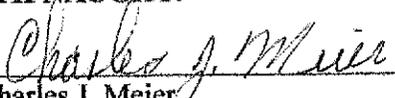
18. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Numbers 26-052600.0000, 26-052700.0000, and 26-052700.0100.

19. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a

DON000479

result of ODNR's replacement of the western spillway and ODNR's current management practices.

FURTHER AFFIANT SAYETH NAUGHT.



Charles J. Meier

Sworn in my presence and subscribed before me this 12th day of October, 2009.



Notary Public

RITA K SUHR
Notary Public - State of Ohio
My Commission Expires May 18, 2011
Recorded in Mercer County

DON000480

EXHIBIT 1
TO
AFFIDAVIT OF CHARLES MEIER

DON000481

Mercer County Ohio



Legend

Administrative

- Townships
- Neighborhoods

Parcels

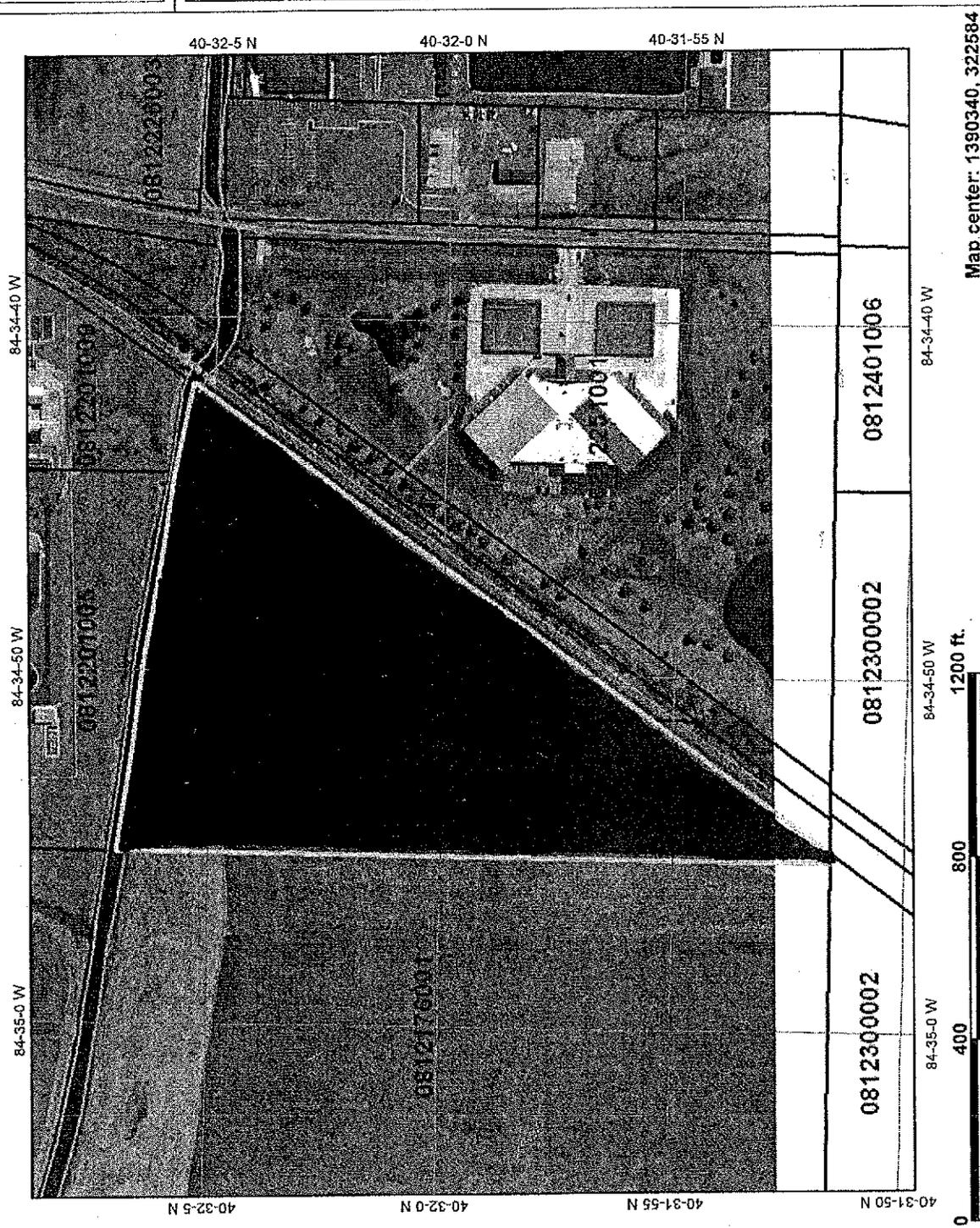
- Parcels

Transportation

- State Highways
- US Highways

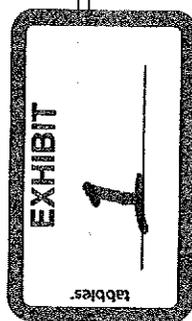
Water

- Lake
- Streams



This map is a user-generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Charles J. Meier
 -0- Monroe Rd.
 Parcel No.: 26-052600.0000 - 18.72 acres



284000042DON

Mercer County Ohio



Legend

Administrative

- Townships
- Neighborhoods

Parcels

- Parcels

Transportation

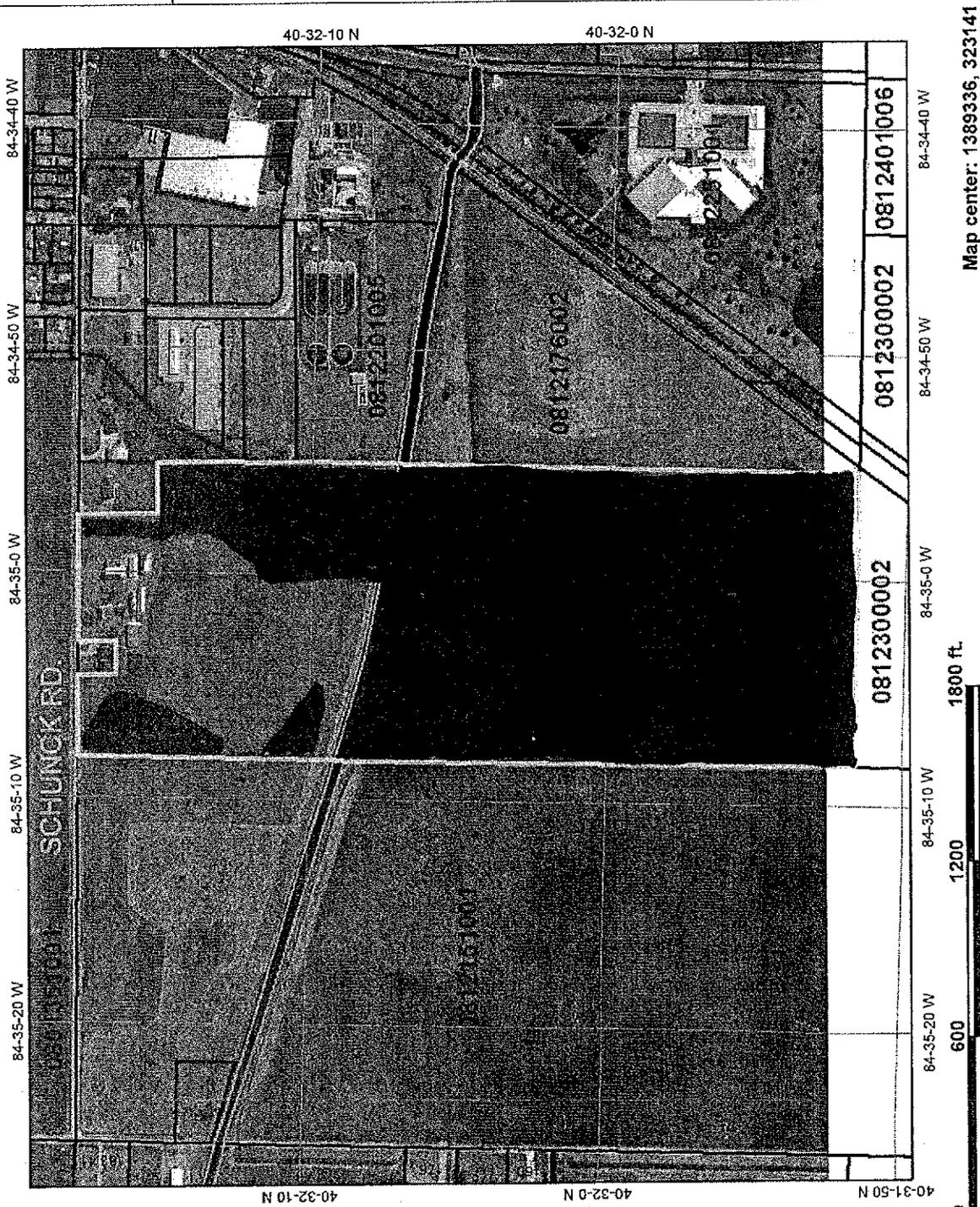
- State Highways
- US Highways

Water

- Lake
- Streams



Scale: 1:6,400



This map is a user generated, static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Charles J. Meier
5670 Schunck Rd.
Parcel No.: 26-052700.0000 - 58.648 acres

DON000483

EXHIBIT 2
TO
AFFIDAVIT OF CHARLES MEIER

DON000485



CHARLES & MARY MEIER

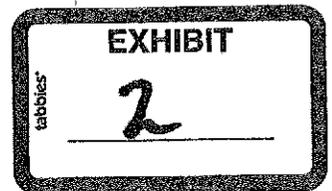
July 8-2003

5700 SCHUNCK RD

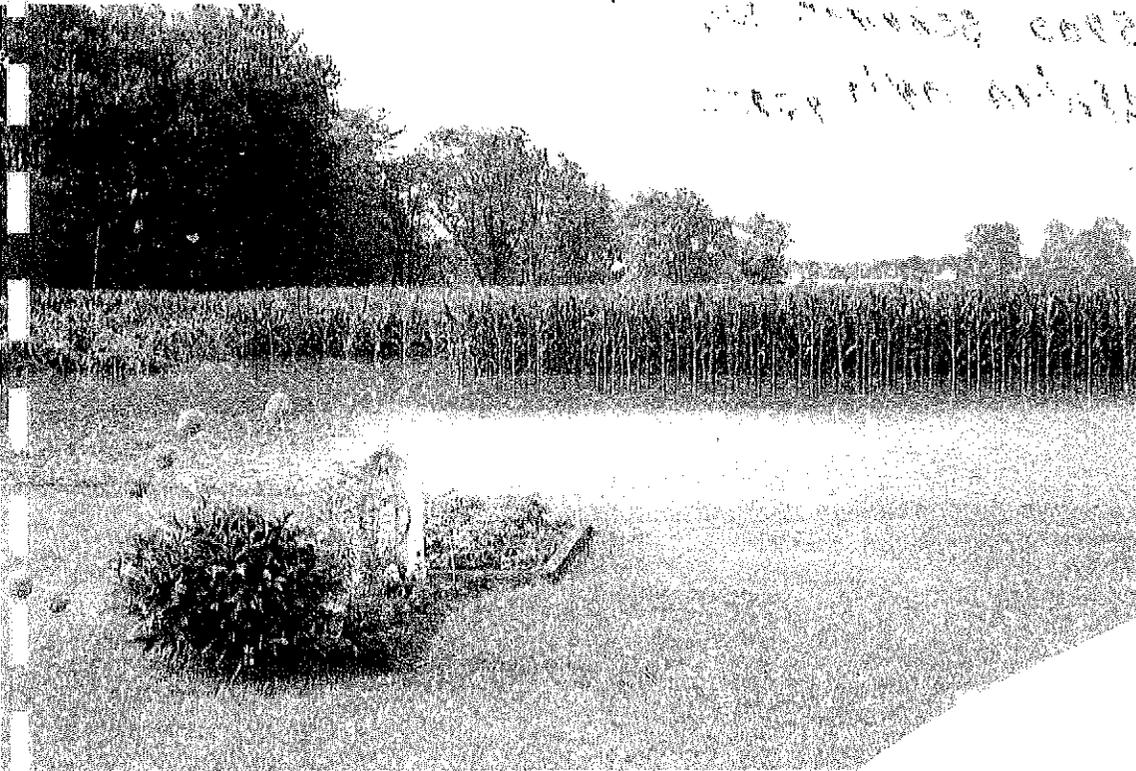
CELINA OHIO 45822

Parcel No.

260527000100



DON000486



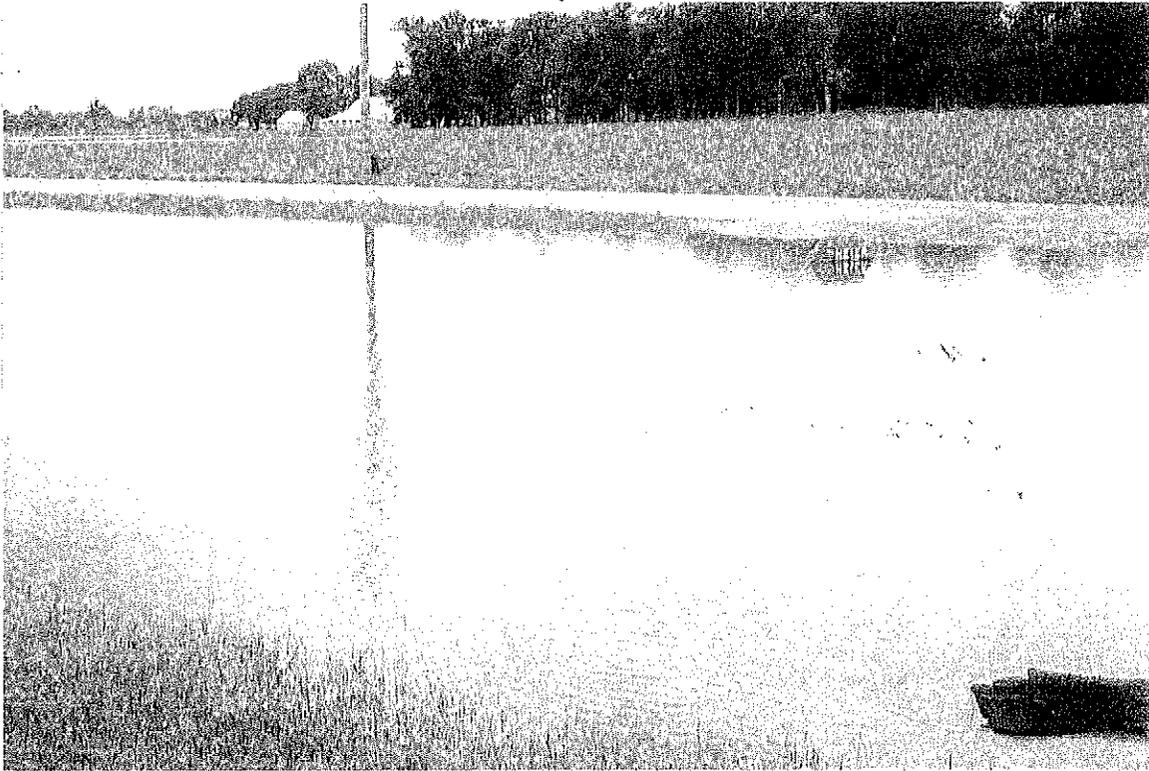
NO. 11111111 0002
DATE TIME 01/01/00

Harold + Mary Meier
5700 SCHUNCK RD
PELINA, OHIO 45822

July 4 - 2003

PARCEL NO
60527000100

DON000487



CHARLES & MARY MEIER
5700 SCHMUCKER RD
CELINA OHIO 45822

July 2003

PARCEL NO.

260527000100

DON000488

11

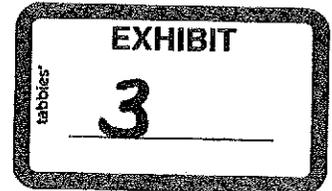
EXHIBIT 3
TO
AFFIDAVIT OF CHARLES MEIER

DON000489



1-13-2005

CHARLES MEIER
5700 SCHONCK RD
CELINA OHIO 45822



DON000490

PARCEL NO

260527000/00



1-13-2005

PARCEL - NO.

260527000100

+

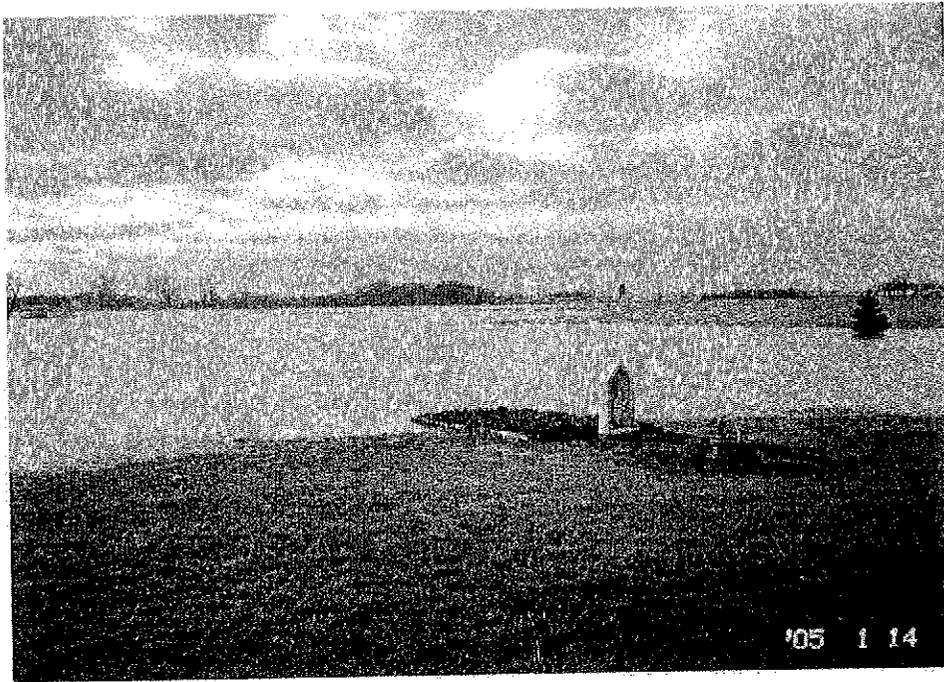
260527000000

MARY + CHARLES MEIER

5700 SCHUNK RD

CELINA OHIO 45822

DON000491



'05 1 14

1-14-2005
PARCEL - NO.
260527000100
+
260527000000

MARY & CHARLES MEIER
5700 SCHUNK RD.
CELINA OHIO 45822

DON000492

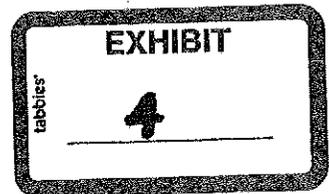
EXHIBIT 4
TO
AFFIDAVIT OF CHARLES MEIER

DON000493



FEB-7-2008
PARCEL-NO. 260527000100

MARY + CHARLES MEIER
5700 SCHUNCK RD.
CELINA OHIO
45822



DON000494



FEB-7-2008

MARY & CHARLES MEIER
5700 SCHUNK RD.
CELINA OHIO 45822

PARCEL-NO.
260527000000

DON000495



FEB-7-2008

CHARLES J. MEIER
5700 SCHUNK RD
CELINA OHIO 45822

DON000496

Parcel No
260527000100



FEB-7-2008

PARCEL-NO. 260527600000

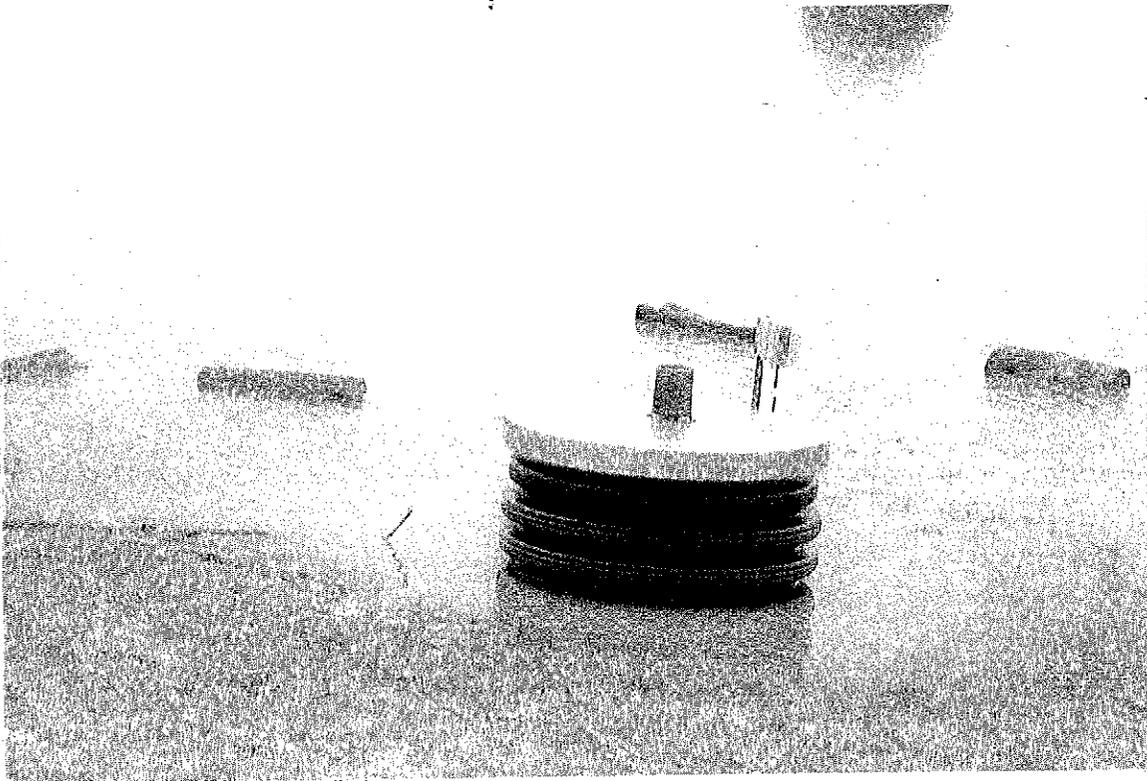
CHARLES MEIER

3700 SCHUNCK RD

CELINA OHIO

45822

DON000497



FEB. 7 - 2008

BACK OF HOUSE

PARCEL - No. 260527000100

MARY & CHARLES MEIER

5700 SCHUMCK RD

CELINA OHIO 45822

DON000498

052700.0100 is attached hereto as Exhibit 1. I have shaded in the area of the parcel that was flooded in 2003.

8. Mercer County Parcel Number 26-052700.0100 also experienced severe flooding in 2005. Indeed, the flooding in January 2005 was so extensive that it flooded at least the first four roads that cross Beaver Creek west of the spillway.

9. Mercer County Parcel Number 26-052700.0100 also experienced severe flooding in 2008.

10. As a direct result of the flooding, Mercer County Parcel Number 26-052700.0100 has suffered damage in the form of the deposit of debris, soil compaction and drainage tile failure. In addition, my home flooded in 2003.

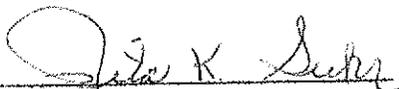
11. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Number 26-052700.0100.

12. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a result of ODNR's replacement of the western spillway and ODNR's current management practices.

FURTHER AFFLIANT SAYETH NAUGHT.


Mary K. Meier

Sworn in my presence and subscribed before me this 14th day of October, 2009.


Notary Public

RITA K SUHR
Notary Public • State of Ohio
My Commission Expires May 13, 2011
Recorded in Mercer County

AFFIDAVIT OF MARY K. MEIER

STATE OF OHIO)
) ss:
COUNTY OF MERCER)

My name is Mary K. Meier. I am over the age of 21, and I am competent to make this affidavit. The facts stated herein are within my personal knowledge and are true and correct. I state as follows:

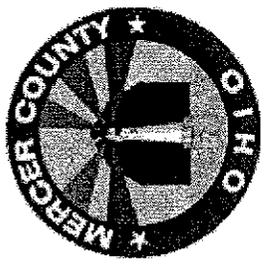
1. I am a Relator in this mandamus action seeking compensation for the property taken by Respondents Ohio Department of Natural Resources and Sean D. Logan, Director (collectively "ODNR").
2. Specifically, I am an owner of real estate described as Mercer County Parcel Number 26-052700.0100.
3. Mercer County Parcel Numbers 26-052700.0100 lies adjacent to the Beaver Creek.
4. I have owned since 2002 Mercer County Parcel Number 26-052700.0100.
5. Since 2002, Mercer County Parcel Number 26-052700.0100 has flooded several times, including 2003, 2005 and 2008. On each occasion, 26-052700.0100 was inundated with water at depths varying from approximately one to three feet.
6. On each occasion of flooding, Mercer County Parcel Number 26-052700.0100 remained inundated with water for a period of up to two weeks.
7. To date, the most invasive flood occurred in 2003 with approximately 1 acre of Mercer County Parcel Number 26-052700.0100 being flooded with approximately one to three feet of water for approximately up to two weeks. A true and accurate copy of a black and white aerial from the Mercer County Auditor's website of Mercer County Parcel Number 26-

DON000499

EXHIBIT 1
TO
AFFIDAVIT OF MARY K. MEIER

DON000501

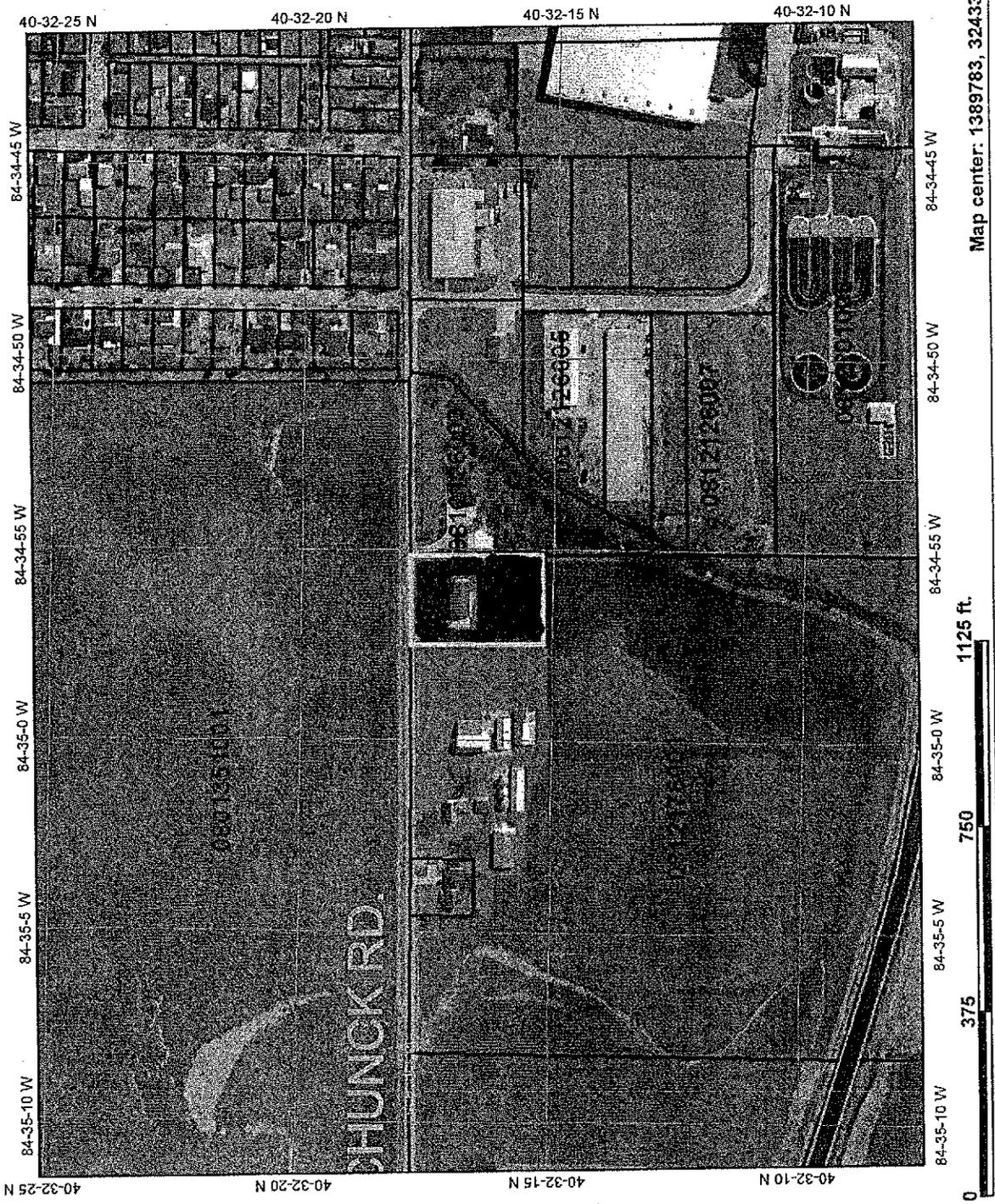
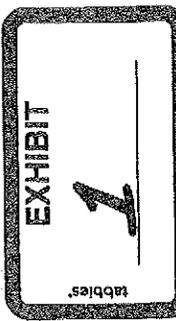
Mercer County Ohio



Legend

- Administrative**
 - Townships
 - Neighborhoods
- Parcels**
 - Parcels
- Transportation**
 - State Highways
 - US Highways
- Water**
 - Lake
 - Streams

Scale: 1:3,800



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Charles J. Meier and Mary K. Meier
5700 Schnuck Rd.
Parcel No.: 26-052700.0100 - 1.102 acres

20500000N

frequent, and inevitable increased severe flooding from the western spillway of Grand Lake St. Mary's.

6. Specifically, as a result of ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 42-001000.0000 has flooded approximately two to three times per year. On each occasion, Mercer County Parcel Number 42-001000.0000 was inundated with water at depths varying from eight to sixteen feet.

7. Since ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Number 42-001000.0000 floods more rapidly and remains flooded for longer periods of time. On each occasion of flooding, Mercer County Parcel Number 42-001000.0000 remained inundated with water for a period of three to ten days.

8. Prior to ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Number 42-001000.0000 never flooded as often, never flooded over as large an area, and never flooded for as long.

9. To date, the most invasive flood occurred in 2003 with approximately 26.5 acres of Mercer County Parcel Number 42-001000.0000 being flooded with approximately sixteen feet of water for approximately ten days. A true and accurate copy of a black and white aerial from the Mercer County Auditor's website of Mercer County Parcel Number 42-001000.0000 is attached hereto as Exhibit A. The shaded in area depicts the portion of the parcel that was flooded in 2003.

10. Attached hereto as Exhibits B, C, D, E, F, G, H, I, and J are photographs that truly and accurately depict the flooding of Mercer County Parcel Number 42-001000.0000 in 2003.

11. Mercer County Parcel Number 42-001000.0000 also experienced flooding in 2005.

DON000504

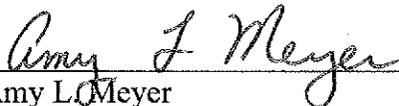
12. Mercer County Parcel Numbers 42-001000.0000 was again flooded as recently as Spring 2009.

13. As a direct result of the flooding, Mercer County Parcel Number 42-001000.0000 has suffered damage in the form of loss of crops, field and bank erosion, the deposit of silt and other debris, drainage tile failure, and the destruction of fruit trees. Mercer County Parcel Numbers 42-019700.0000 and 42-019800.0000 have suffered damage in the form of loss of crops, bank erosion, and the deposit debris.

14. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Numbers 42-001000.0000, 42-019700.0000, and 42-019800.0000.

15. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a result of ODNR's replacement of the western spillway and ODNR's current management practices.

FURTHER AFFIANT SAYETH NAUGHT.



Amy L. Meyer

Sworn in my presence and subscribed before me this 25th day of August, 2009.



Notary Public

KRISTIKRESSWILHELMY
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 O.R.C.

DON000505

EXHIBIT A
TO
AFFIDAVIT OF AMY L. MEYER

DON000506

Mercer County Ohio



Legend

Administrative

-  Townships
-  Neighborhoods

Parcels

-  Parcels

Transportation

-  State Highways
-  US Highways

Water

-  Lake
-  Streams



Scale: 1:6,000



Map center: 1358243, 325531

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Jerome L. Meyer and Amy L. Sieftring
2770 St. Rt. 29
Parcel No.: 42-001000.0000 - 67.50 acres

EXHIBIT

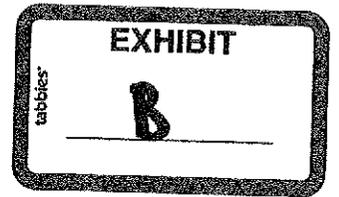
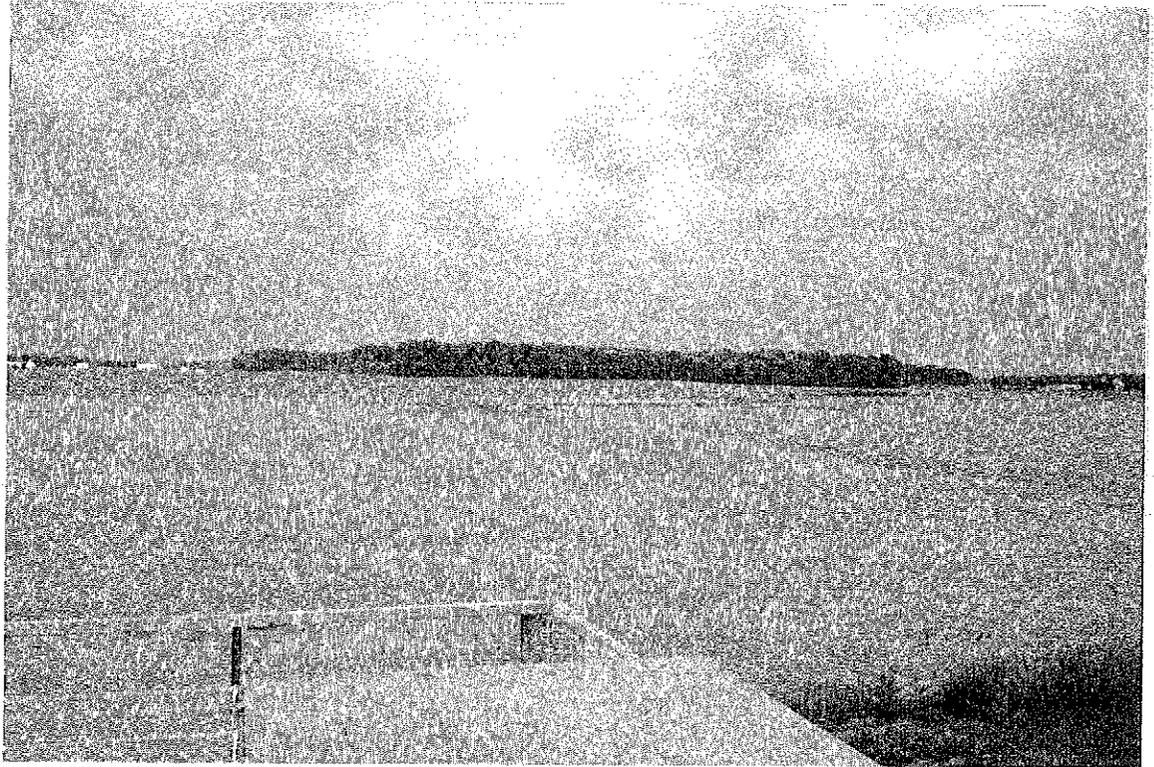
A

rabble's

7050000ND

EXHIBIT B
TO
AFFIDAVIT OF AMY L. MEYER

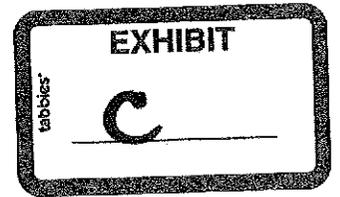
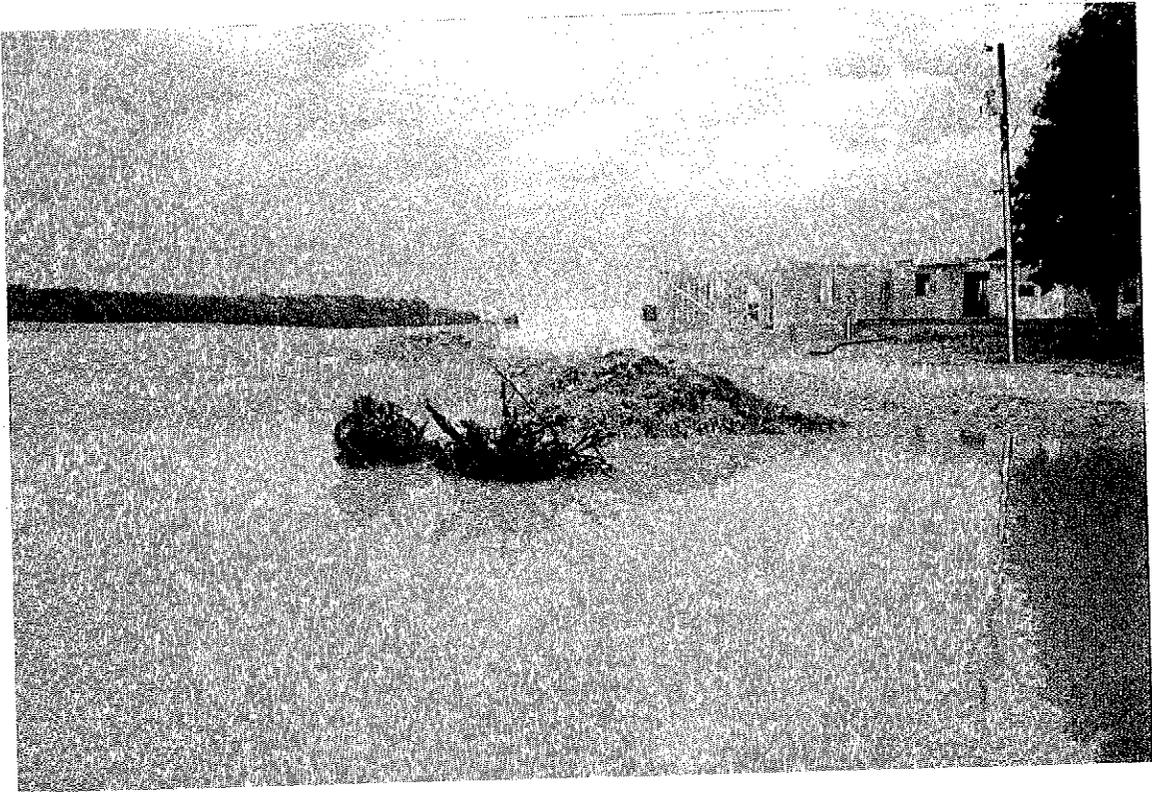
DON000508



DON000509

EXHIBIT C
TO
AFFIDAVIT OF AMY L. MEYER

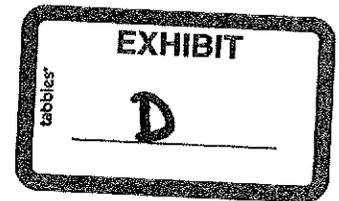
DON000510



DON000511

EXHIBIT D
TO
AFFIDAVIT OF AMY L. MEYER

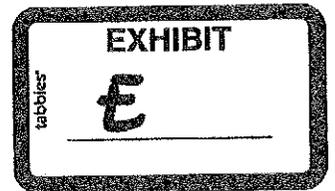
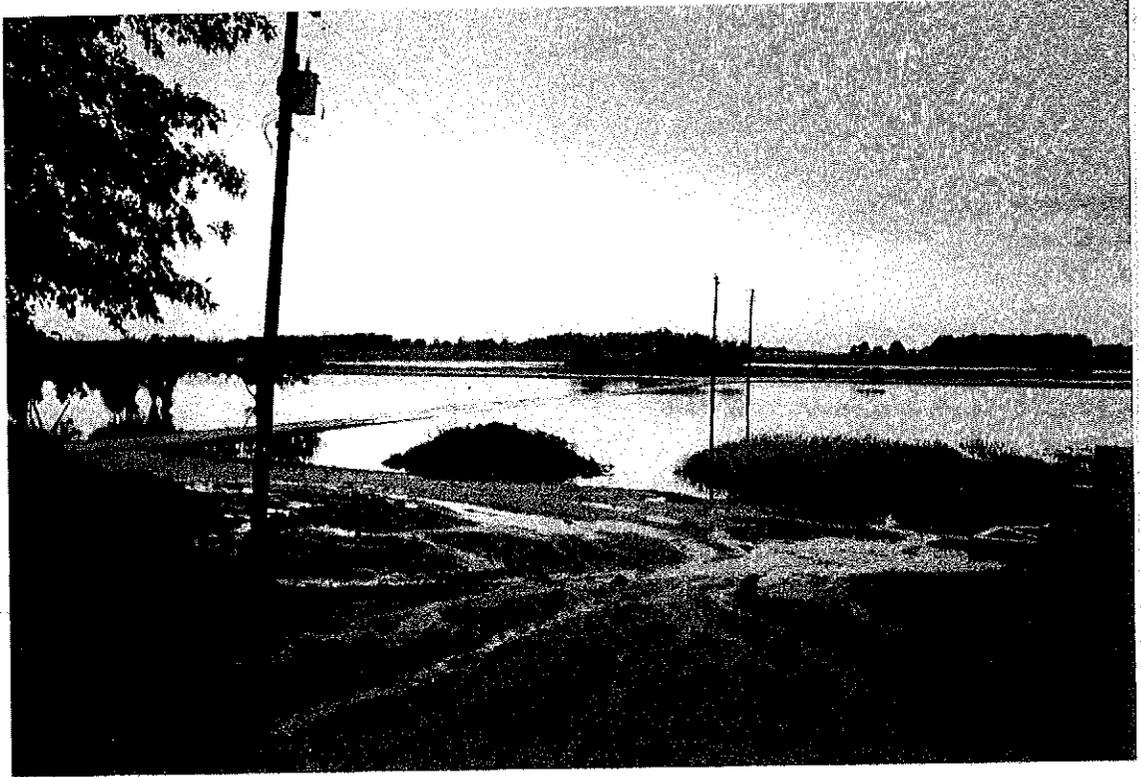
DON000512



DON000513

EXHIBIT E
TO
AFFIDAVIT OF AMY L. MEYER

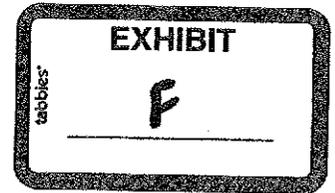
DON000514



DON000515

EXHIBIT F
TO
AFFIDAVIT OF AMY L. MEYER

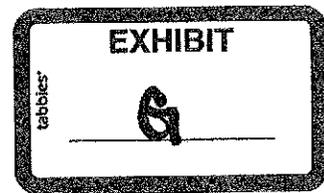
DON000516



DON000517

EXHIBIT G
TO
AFFIDAVIT OF AMY L. MEYER

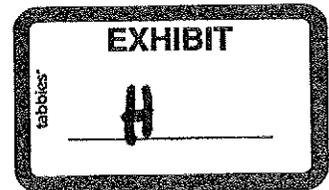
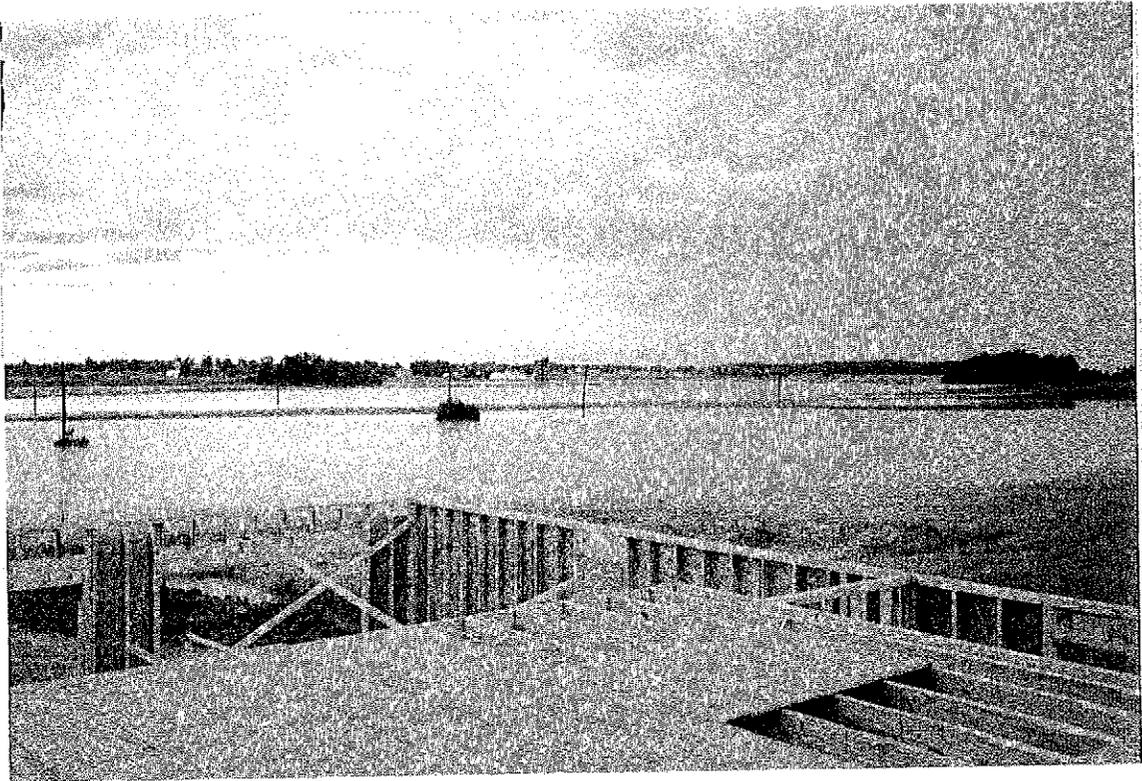
DON000518



DON000519

EXHIBIT H
TO
AFFIDAVIT OF AMY L. MEYER

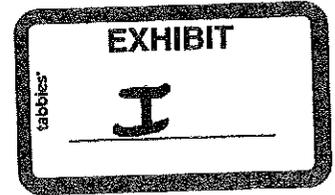
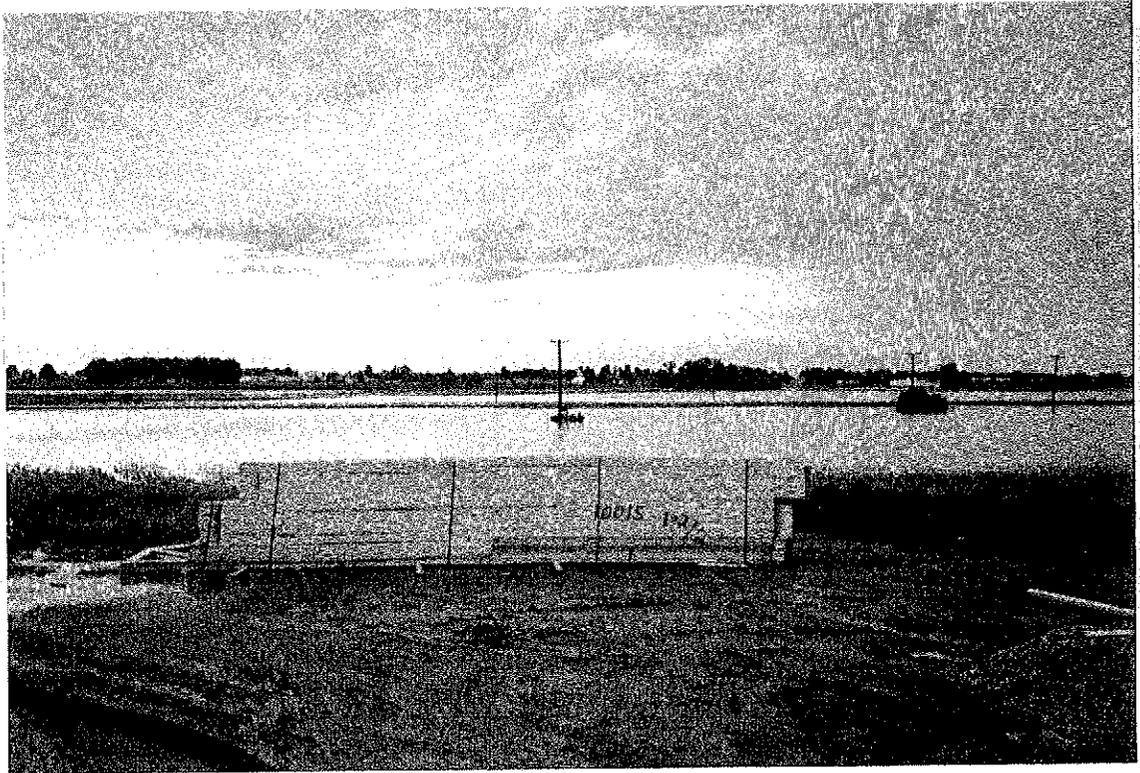
DON000520



DON000521

EXHIBIT I
TO
AFFIDAVIT OF AMY L. MEYER

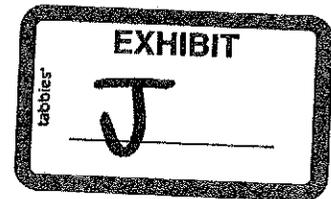
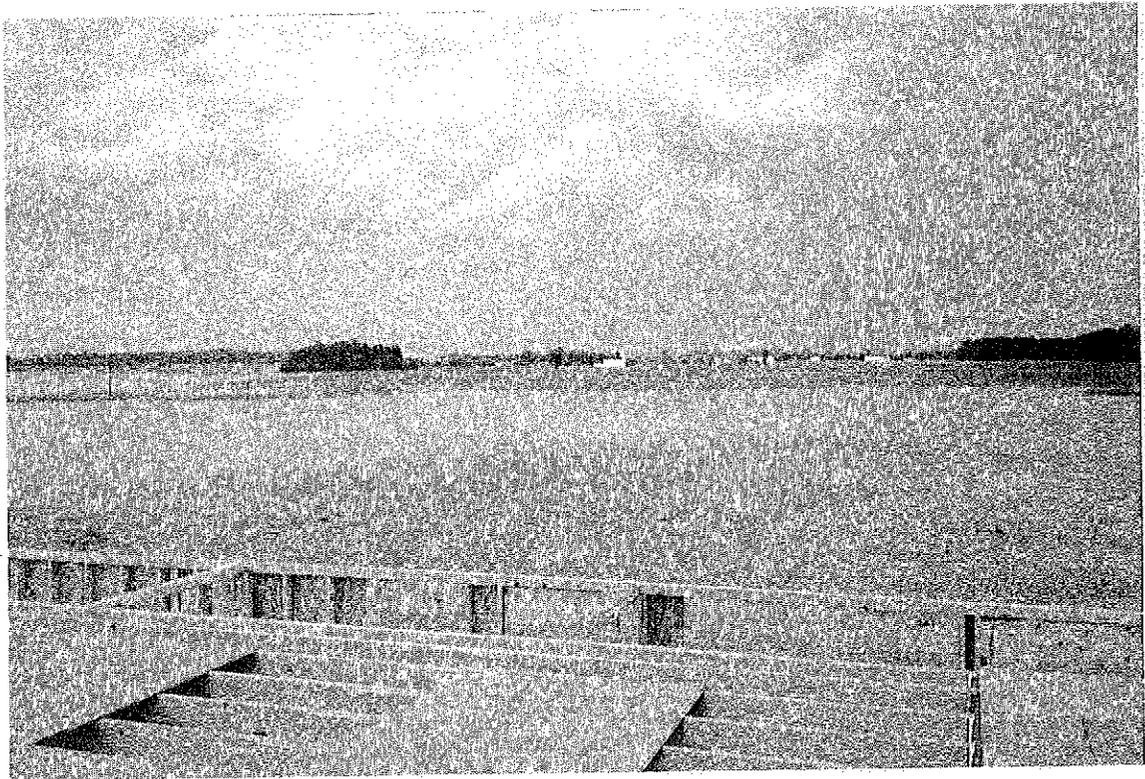
DON000522



DON000523

EXHIBIT J
TO
AFFIDAVIT OF AMY L. MEYER

DON000524



DON000525

6. On each occasion of flooding, Mercer County Parcel Number 42-001000.0000 remained inundated with water for a period of three to ten days.

7. To date, the most invasive flood occurred in 2003 with approximately 26.5 acres of Mercer County Parcel Number 42-001000.0000 being flooded with approximately sixteen feet of water for approximately ten days. A true and accurate copy of a black and white aerial from the Mercer County Auditor's website of Mercer County Parcel Number 42-001000.0000 is attached hereto as Exhibit A. The shaded in area depicts the portion of the parcel that was flooded in 2003.

8. Mercer County Parcel Number 42-001000.0000 also experienced flooding in 2005.

9. Mercer County Parcel Numbers 42-001000.0000 was again flooded as recently as Spring 2009.

10. As a direct result of the flooding, Mercer County Parcel Number 42-001000.0000 has suffered damage in the form of loss of crops, field and bank erosion, the deposit of silt and other debris, drainage tile failure, and the destruction of fruit trees. Mercer County Parcel Numbers 42-019700.0000 and 42-019800.0000 have suffered damage in the form of loss of crops, bank erosion, and the deposit debris.

11. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Numbers 42-001000.0000, 42-019700.0000, and 42-019800.0000.

12. I have lived in the area of Mercer County Parcel Number 26-041500.0000 owned by Relators Neil J. Siefring and Mary K. Siefring since 1997.

DON000527

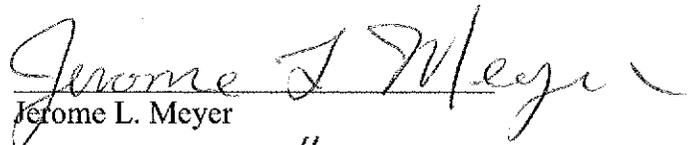
13. As a result of ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Number 26-041500.0000 has flooded approximately at least once per year.

14. To date, the most invasive flood occurred in 2003 with approximately 25 acres of Mercer County Parcel Numbers 26-041500.0000 being flooded. A true and accurate copy of a black and white aerial from the Mercer County Auditor's website of Mercer County Parcel Number 26-041500.0000 is attached hereto as Exhibit B. The shaded in area depicts the portion of the parcel that was flooded in 2003.

15. Attached hereto as Exhibit C is a photograph that truly and accurately depicts the flooding of Mercer County Parcel Number 26-041500.0000 in 2003.

16. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a result of ODNR's replacement of the western spillway and ODNR's current management practices.

FURTHER AFFIANT SAYETH NAUGHT.


Jerome L. Meyer

Sworn in my presence and subscribed before me this 25th day of August, 2009.


Notary Public

DON000528

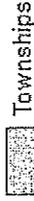
KRISTI KRESS WILHELMY
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 O.R.C.

Mercer County Ohio



Legend

Administrative



Townships



Neighborhoods

Parcels



Parcels

Transportation



State Highways



US Highways

Water



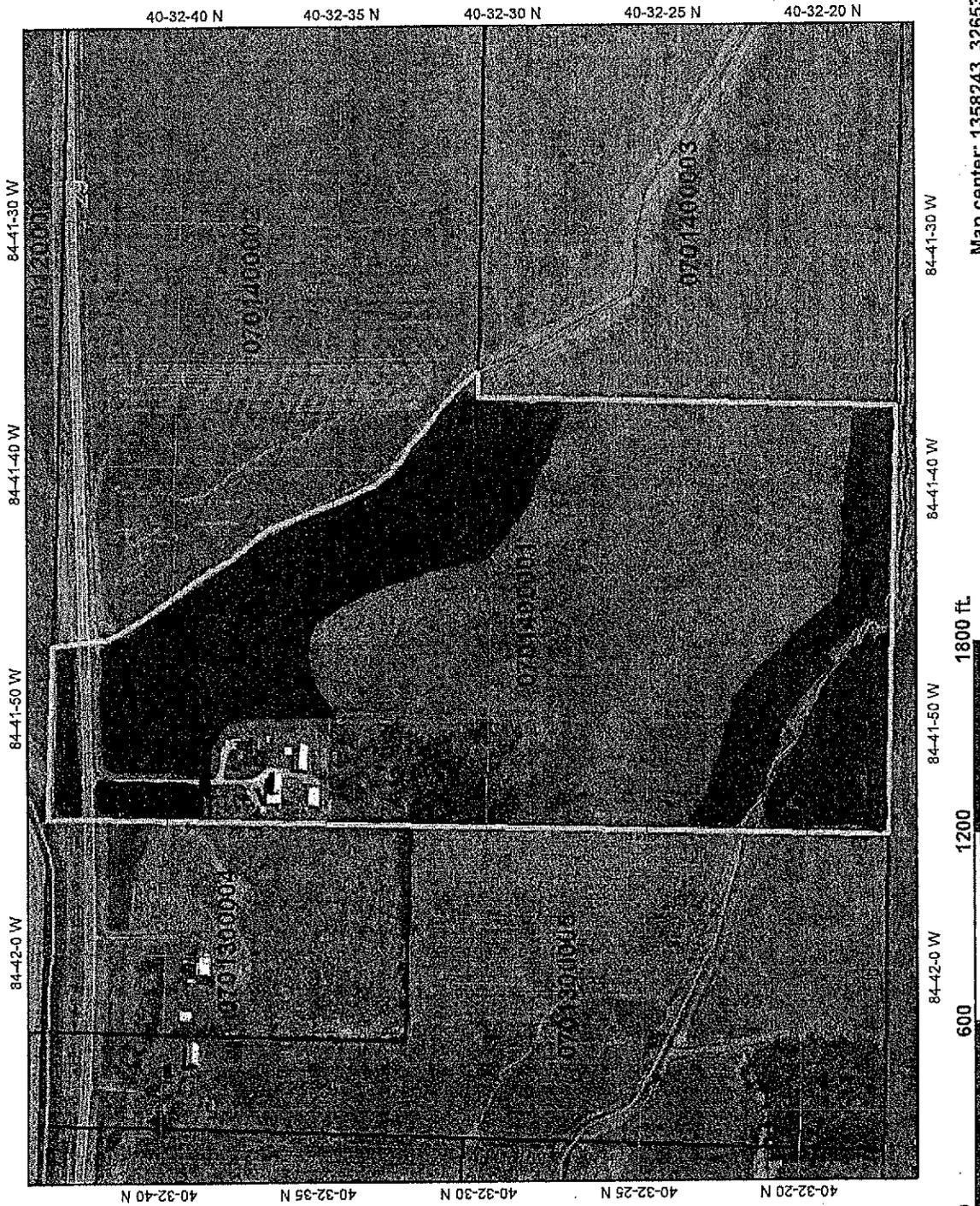
Lake



Streams



Scale: 1:6,000



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

EXHIBIT

A

Jerome L. Meyer and Amy L. Sieftring
 2770 St. Rt. 29
 Parcel No.: 42-001000.0000 - 67.50 acres

62500002 DON

EXHIBIT B
TO
AFFIDAVIT OF JEROME L. MEYER

DON000530

Mercer County Ohio



Legend

- Administrative**
 - Townships
 - Neighborhoods
- Parcels**
 - Parcels
- Transportation**
 - State Highways
 - US Highways
- Water**
 - Lake
 - Streams



Scale: 1:4,600



84-41-0 W

84-41-10 W

84-41-20 W

40-33-0 N

40-32-55 N

40-32-50 N

40-32-45 N

84-41-0 W

84-41-10 W

84-41-20 W

1350 ft.

900

450

0

Map center: 1361091, 328650

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Neil J. Siefiring and Mary K. Siefiring
 3075 St. Rt. 29
 Parcel No.: 26-041500.0000 - 54.239 acres

EXHIBIT

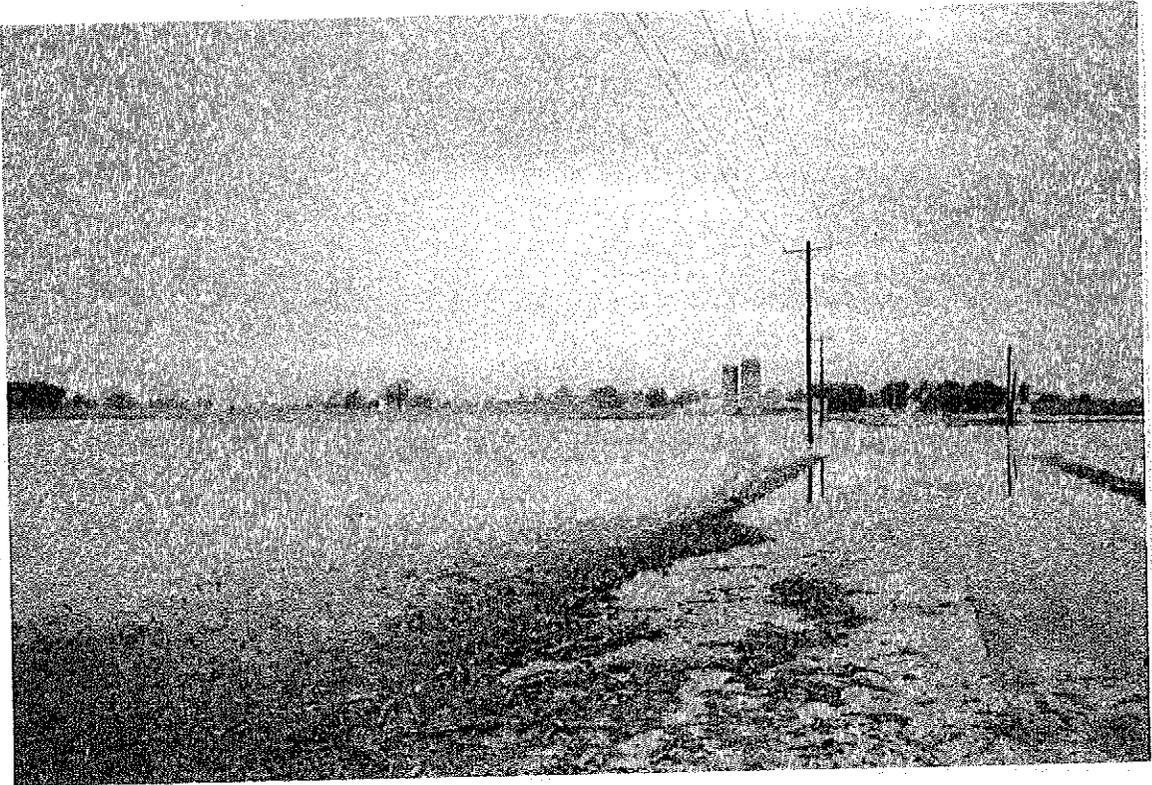
8

Labels

DON000531

EXHIBIT C
TO
AFFIDAVIT OF JEROME L. MEYER

DON000532



DON000533

6. I attach as Exhibit 1 true and accurate copies of photographs I took on March 14, 2010 of the flooding of Mercer County Parcel Number 42-001000.0000.

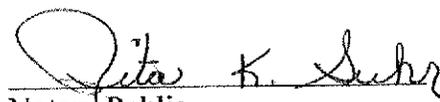
7. I attach as Exhibit 2 true and accurate copies of photographs I took on March 15, 2010 of the deposit of debris and soil erosion on Mercer County Parcel Number 42-001000.0000 caused by the flooding.

8. During March 12 and 14, 2010, Mercer County Parcel Number 42-001000.0000 and the Grand Lake St. Marys area experienced approximately only 1 ½ inches of rain. That is all it took for the western spillway to cause flooding of Mercer County Parcel Number 42-001000.0000. Based on my living and farming along the Beaver Creek, Mercer County Parcel Number 42-001000.0000 would not have flooded or would not have flooded nearly as much but for the new western spillway and ODNR's continued decision-making not to drawdown the Grand Lake in the winter-time to prevent or minimize flooding.

FURTHER AFFIANT SAYETH NAUGHT.


Jerome L. Meyer

Sworn to before me and subscribed in my presence this 14 day of April, 2010.

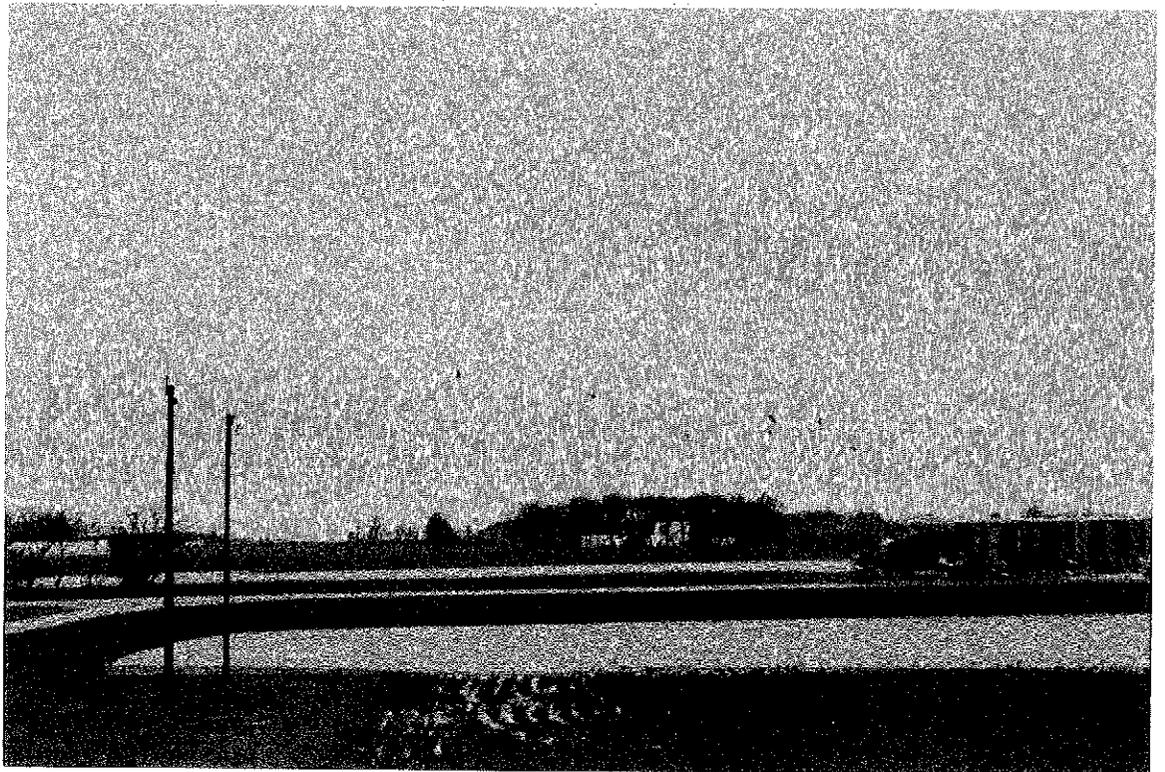
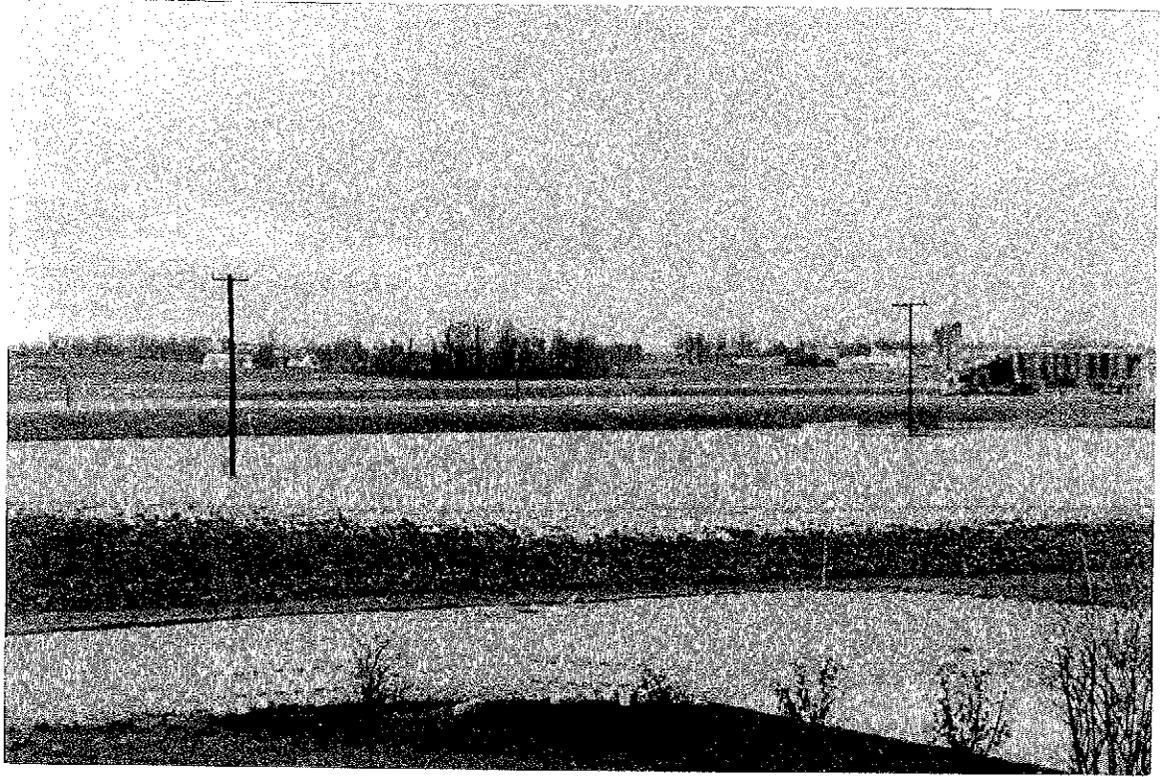

Notary Public

RITA K SUHR
Notary Public • State of Ohio
My Commission Expires May 13, 2011
Recorded in Mercer County

DON002491

EXHIBIT 1
AFFIDAVIT OF JEROME L. MEYER

DON002492



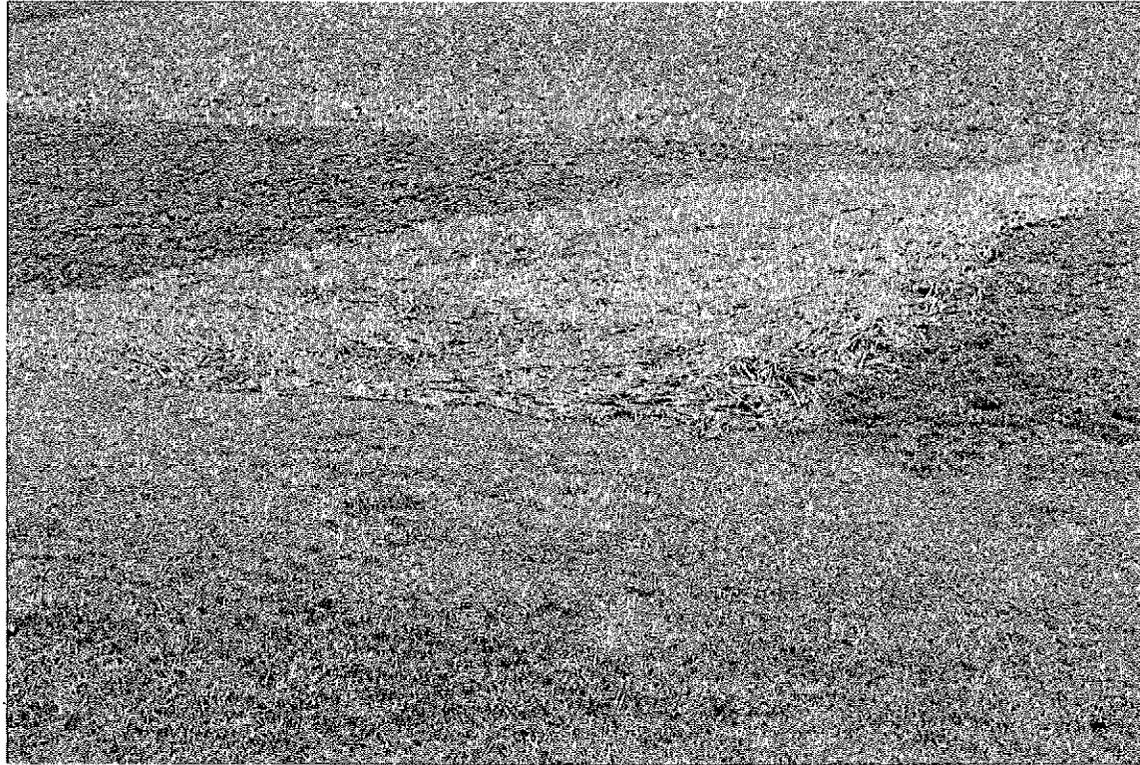
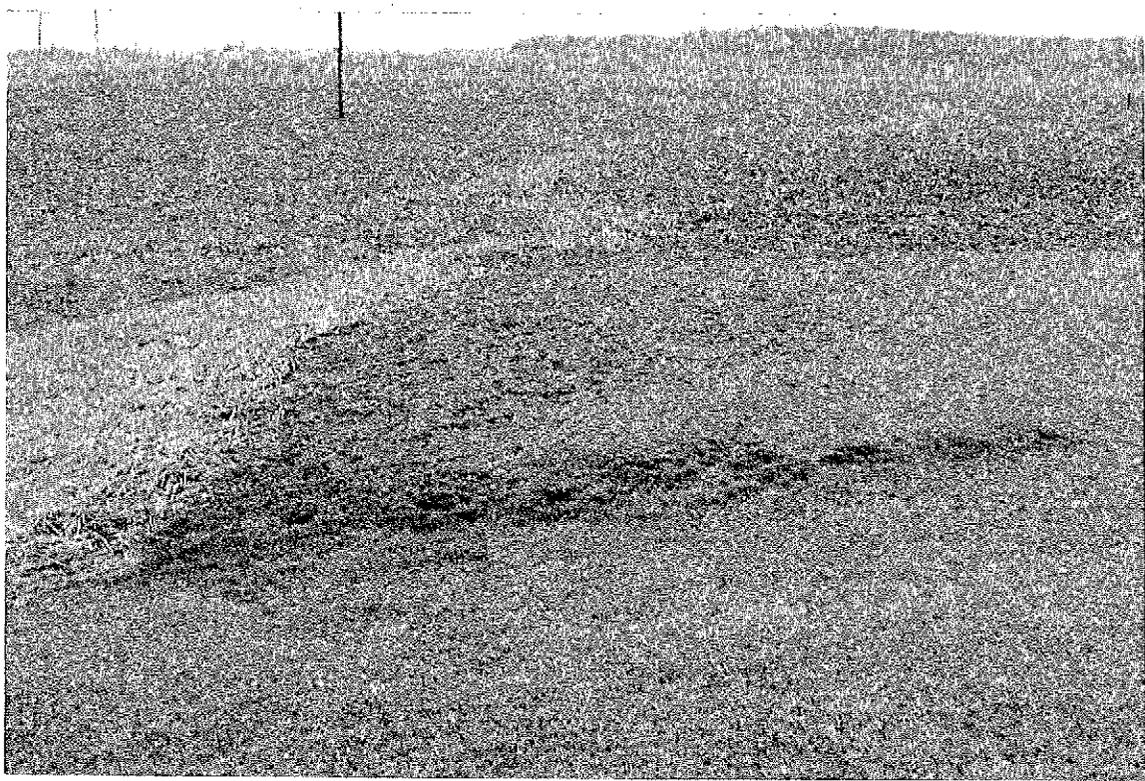
DON002493



DON002494

EXHIBIT 2
AFFIDAVIT OF JEROME L. MEYER

DON002495



DON002496



DON002497

continuing, persistent, frequent, and inevitable increased severe flooding from the western spillway of Grand Lake St. Mary's.

6. Specifically, as a result of ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 29-003300.0000 and 29-004400.0000 have flooded approximately every other year and sometimes more than once per year. On each occasion, Mercer County Parcel Numbers 29-003300.0000 and 29-004400.0000 were inundated with water at depths varying from approximately 2 to 6 feet.

7. Since ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 29-003300.0000 and 29-004400.0000 floods more rapidly and remains flooded for longer periods of time. On each occasion of flooding, Mercer County Parcel Numbers 29-003300.0000 and 29-004400.0000 remained inundated with water for a period of 5 to 7 days.

8. Prior to ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 29-003300.0000 and 29-004400.0000 never flooded as much, never flooded over as large an area, and never flooded for as long.

9. To date, the most invasive flood occurred in 2003 with all 70 acres of Mercer County Parcel Numbers 29-003300.0000 being flooded with at least 6 feet of water for approximately 7 days and approximately 30.2 acres of Mercer County Parcel Number 29-004400.0000 being flooded to the same extent and duration. A true and accurate copy of black and white aerials from the Mercer County Auditor's website of Mercer County Parcel Numbers 29-003300.0000 and 29-004400.0000 are attached hereto as Exhibit 1. I have shaded in the area of each parcel that was flooded in 2003.

DON001208

10. Mercer County Parcel Numbers 29-003300.0000 and 29-004400.0000 also experienced severe flooding in 2005.

11. Mercer County Parcel Numbers 29-003300.0000 and 29-004400.0000 were again severely flooded as recently as January 2008.

12. As a direct result of the flooding, Mercer County Parcel Numbers 29-003300.0000 and 29-004400.0000 have suffered damage in the form of loss of crops, the deposit of silt, sand, stones, and other debris, including trash, bottles, and branches.

13. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Numbers 29-003300.0000 and 29-004400.0000.

14. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a result of ODNR's replacement of the western spillway and ODNR's current management practices.

FURTHER AFFIANT SAYETH NAUGHT.

William M. Muhlenkamp
William M. Muhlenkamp

Sworn in my presence and subscribed before me this 25th day of August, 2009.

Joseph R. Miller

Notary Public



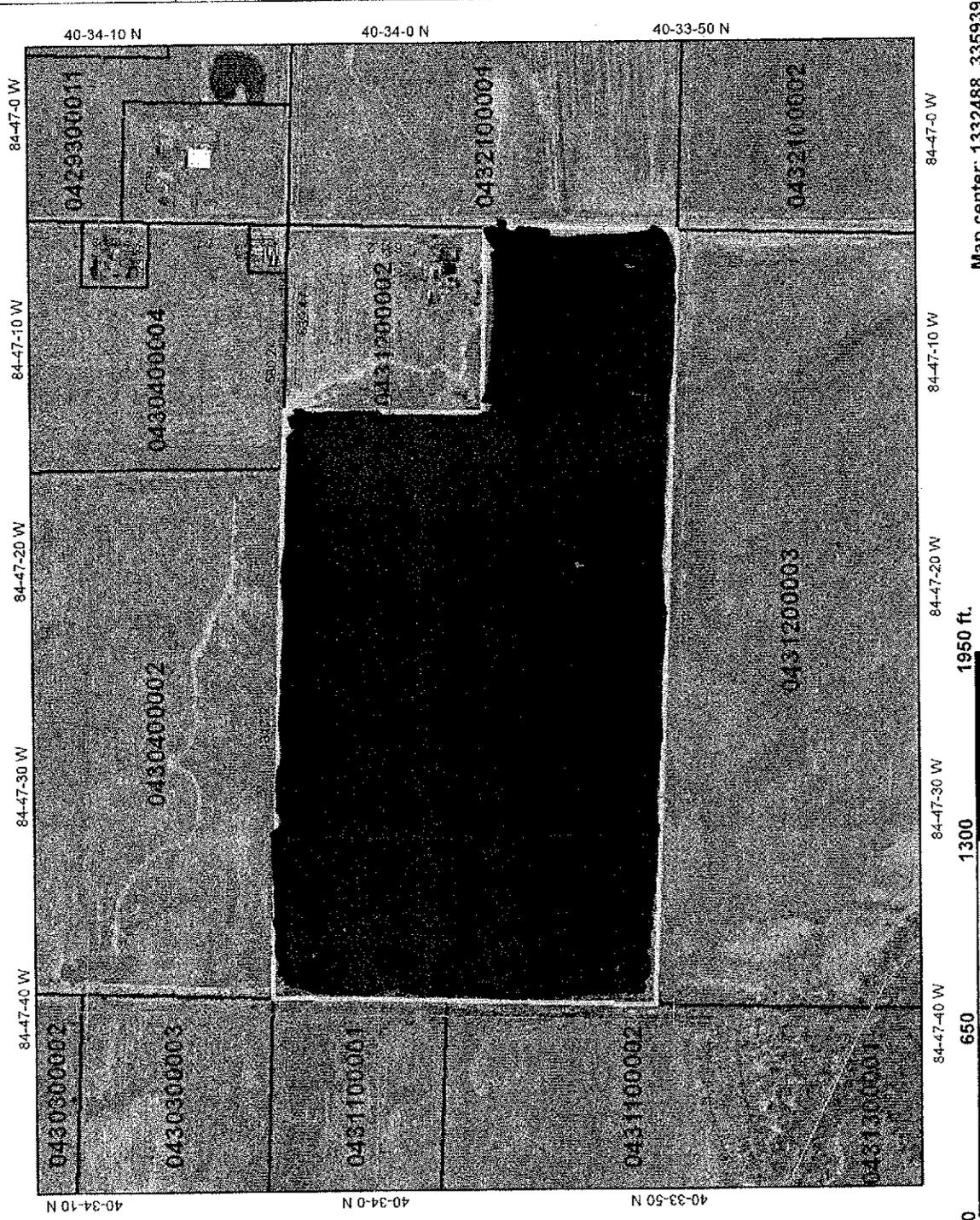
JOSEPH R. MILLER
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

DON001209

EXHIBIT 1
TO
AFFIDAVIT OF
WILLIAM M. MUHLENKAMP

DON001210

Mercer County Ohio



Map center: 1332488, 335939

Scale: 1:6,500



Legend

Administrative

- Townships
- Neighborhoods

Parcels

- Parcels

Transportation

- State Highways
- US Highways

Water

- Lake
- Streams

EXHIBIT
1
tabbles

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

William Muhlenkamp
-0- St. Rt. 49
Parcel No.: 29-003300.0000 - 70 acres

Mercer County Ohio



Legend

Administrative



Townships



Neighborhoods

Parcels



Parcels

Transportation



State Highways



US Highways

Water



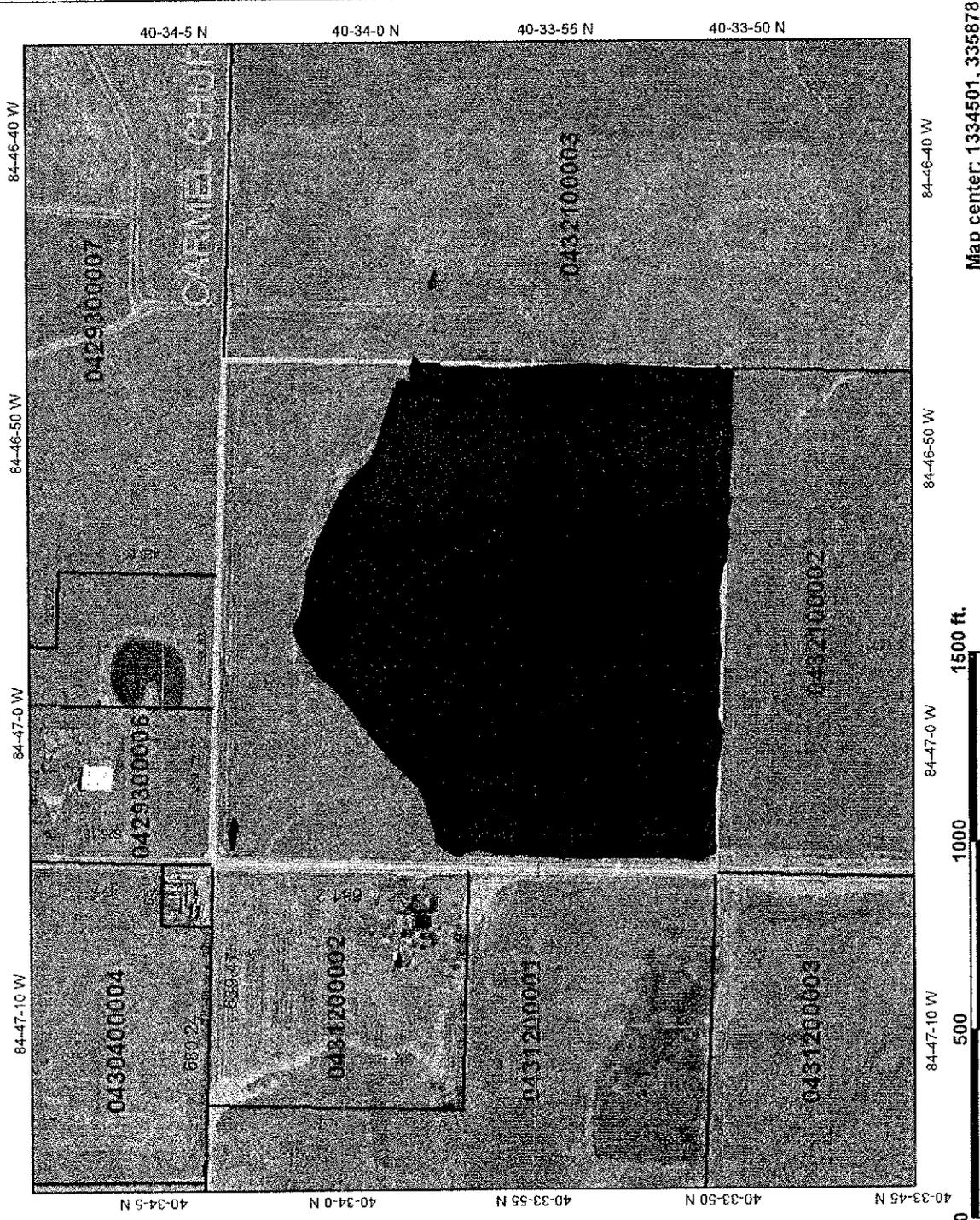
Lake



Streams



Scale: 1:5,000



1500 ft.

1000

500

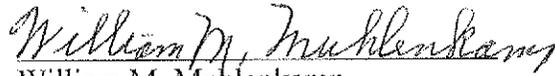
Map center: 1334501, 335878

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

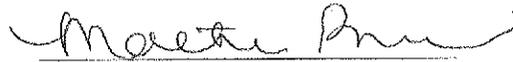
William Muhlenkamp
 -0- St. Rt. 49
 Parcel No.: 29-004400.0000 -- 40 acres

Numbers 29-003300.0000 and 29-004400.0000.

FURTHER AFFIANT SAYETH NAUGHT.


William M. Muhlenkamp

Sworn to before me and subscribed in my presence this 31st day of March, 2010.


Notary Public

MARTHA C. BREWER, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

DON002344

spillway for virtually all water flow out of Grand Lake St. Mary's, Mercer County Parcel Numbers 29-004200.0000 and 28-011400.0000 have been subject to continuing, persistent, frequent, and inevitable increased severe flooding from the western spillway of Grand Lake St. Mary's.

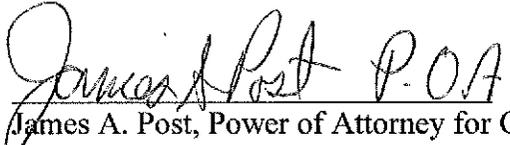
8. Prior to ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 29-004200.0000 and 28-011400.0000 never flooded as much, never flooded over as large an area and never flooded for as long.

9. I have personal knowledge that at least until 2004, the most invasive flood occurred in 2003

10. As a direct result of the flooding, Mercer County Parcel Number 29-004200.0000 and 28-011400.0000 have suffered damage in the form of loss of crops.

11. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Numbers 29-004200.0000 and 28-011400.0000.

FURTHER AFFIANT SAYETH NAUGHT.


James A. Post, Power of Attorney for Opal L. Post

Sworn in my presence and subscribed before me this 24th day of August, 2009.


Notary Public



JOSEPH R. MILLER
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

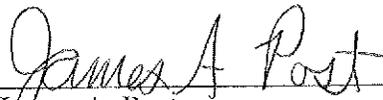
DON001214

7. I attach as Exhibit 1 true and accurate copies of photographs I took on March 14, 2010 of the flooding of Mercer County Parcel Number 29-004200.0000.

8. I attach as Exhibit 2 true and accurate copies of photographs I took on March 14, 2010 of the flooding of Mercer County Parcel Number 28-011400.0000.

9. I attach as Exhibit 3 a true and accurate copy of a video I took on March 14, 2010 of the flooding of Mercer County Parcel Numbers 29-004200.0000 and 28-011400.0000.

FURTHER AFFIANT SAYETH NAUGHT.


James A. Post

Sworn to before me and subscribed in my presence this 31st day of March, 2010.


Notary Public

MARTHA C. BREWER, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

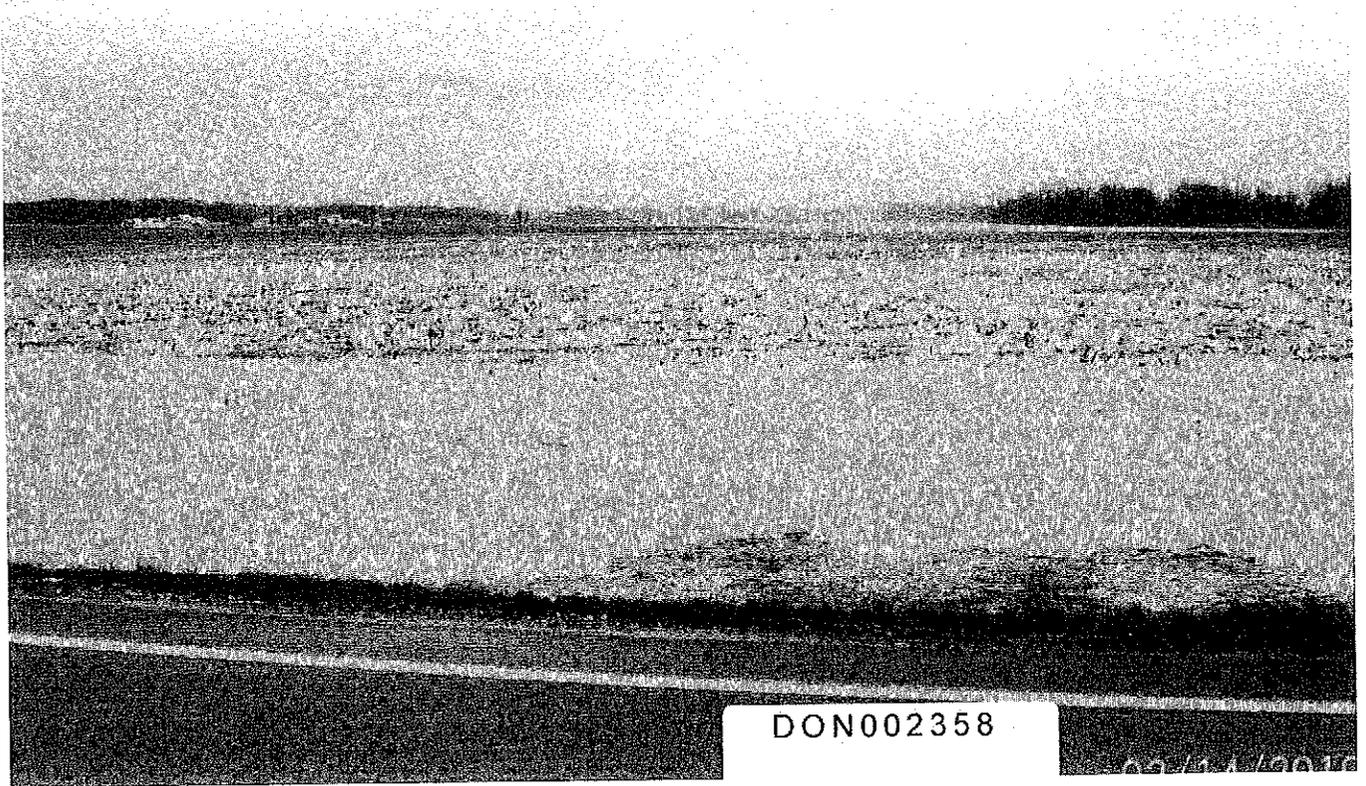
DON002356

**EXHIBIT 1 TO AFFIDAVIT
OF JAMES A. POST**

DON002357



02/11/2010



DON002358

02/11/2010

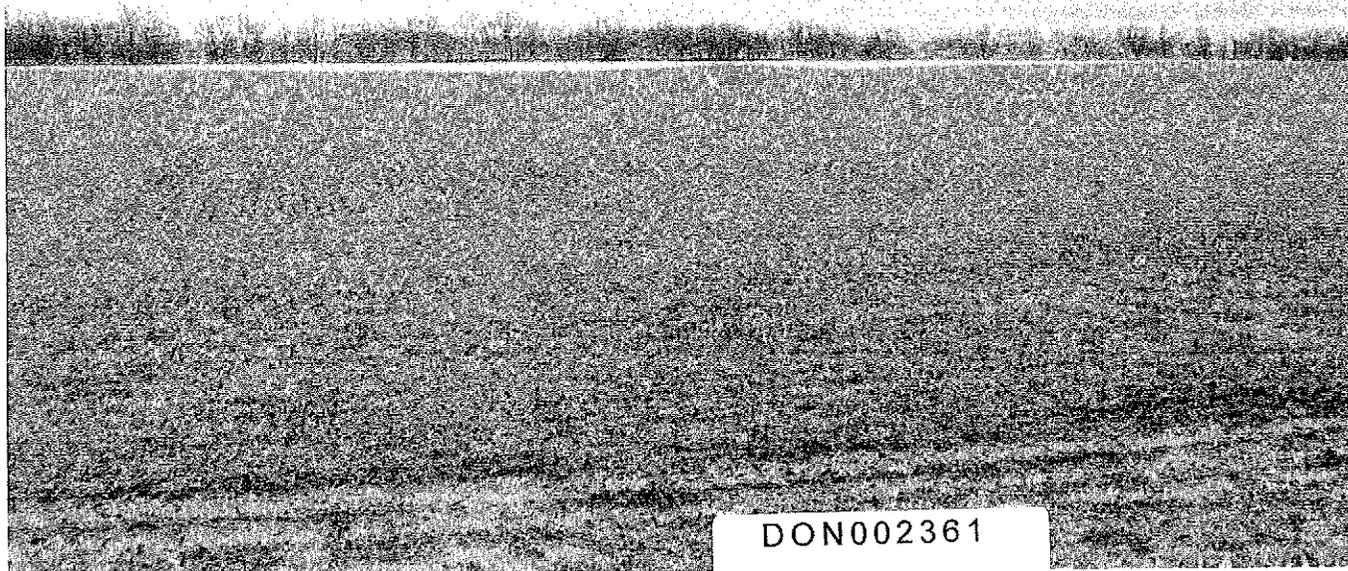


DON002359





4/27/2014/10:00AM

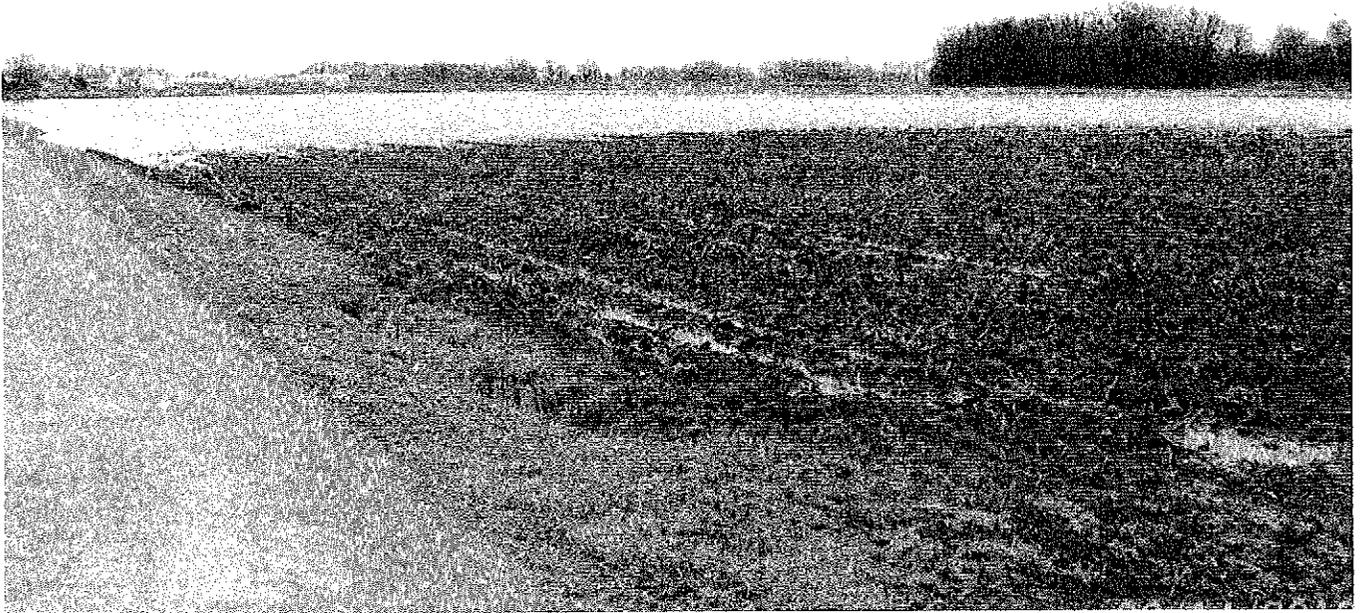


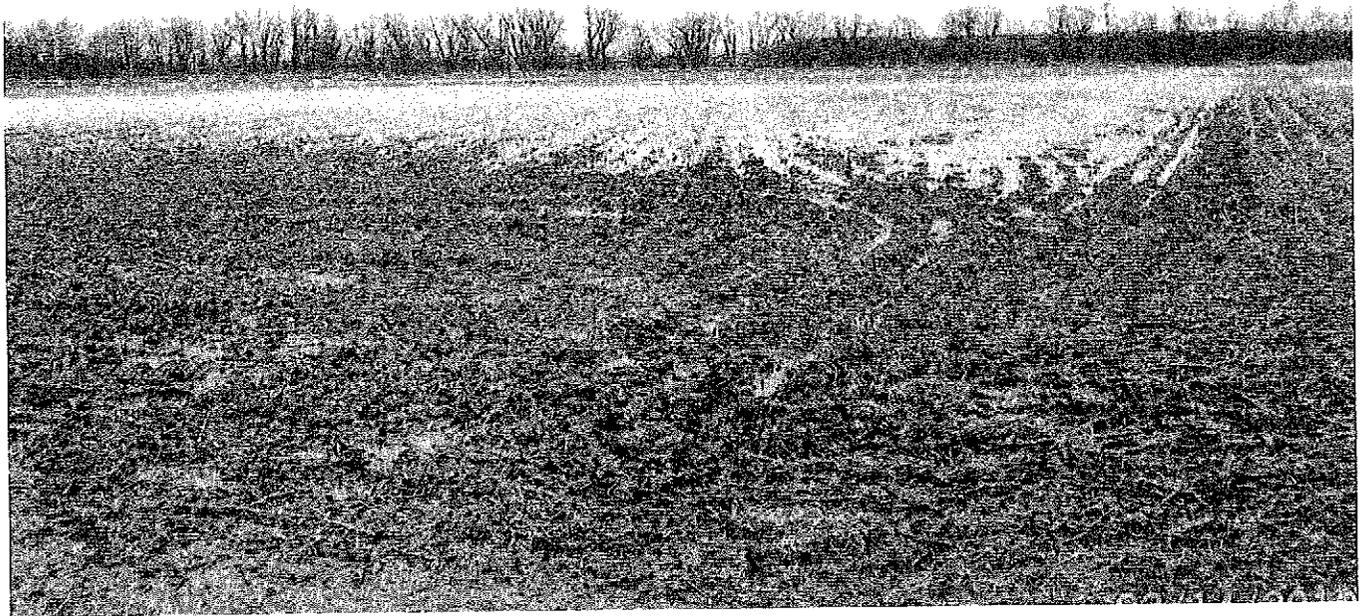
DON002361

**EXHIBIT 2 TO AFFIDAVIT
OF JAMES A. POST**

DON002362







DON002365

**EXHIBIT 3 TO AFFIDAVIT
OF JAMES A. POST**

DON002366

occasion, 29-004200.0000 and 28-011400.0000 were inundated with water at depths varying from approximately three to ten feet.

8. Since ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 29-004200.0000 and 28-011400.0000 floods more rapidly and remains flooded for longer periods of time. On each occasion of flooding, Mercer County Parcel Numbers 29-004200.0000 and 28-011400.0000 remained inundated with water for a period of up to two weeks.

9. Prior to ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 29-004200.0000 and 28-011400.0000 had less frequent flooding, never flooded as much, never flooded over as large an area, never flooded for as long.

10. To date, the most invasive flood occurred in 2003 with approximately 124 acres of Mercer County Parcel Number 29-004200.0000 being flooded with approximately three to ten feet for approximately up to two weeks.

11. To date, the most invasive flood occurred in 2003 with all 45 acres of Mercer County Parcel Number 28-011400.0000 being flooded with approximately three to ten feet for approximately up to two weeks.

12. Mercer County Parcel Numbers 29-004200.0000 and 28-011400.0000 also experienced severe flooding in 2005, including all 45 acres of Mercer County Parcel Number 28-011400.0000.

13. Mercer County Parcel Numbers 29-004200.0000 and 28-011400.0000 also experienced severe flooding in 2008.

DON000535

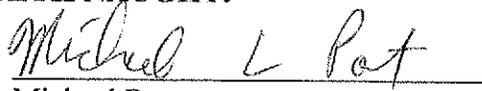
14. Mercer County Parcel Numbers 29-004200.0000 and 28-011400.0000 were again flooded as recently as spring 2009 on four separate occasions.

15. As a direct result of the flooding, Mercer County Parcel Numbers 29-004200.0000 and 28-011400.0000 have suffered damage in the form of crop losses, field and bank erosion, the deposit of sand, stone, silt and other debris, soil compaction, drainage tile failure and destruction of trees.

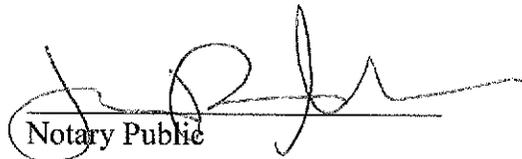
16. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Numbers 29-004200.0000 and 28-011400.0000.

19. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a result of ODNR's replacement of the western spillway and ODNR's current management practices.

FURTHER AFFIANT SAYETH NAUGHT.


Michael Post

Sworn in my presence and subscribed before me this 27th day of August, 2009.


Notary Public



JOSEPH R. MILLER
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

DON000536

6. Specifically, as a result of ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 have flooded approximately fifteen times, or at least once per year. On each occasion, Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 were inundated with water at depths varying from six inches to six feet.

7. Since ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 flood more rapidly and remain flooded for longer periods of time. On each occasion of flooding, Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 remained inundated with water for a period of two to ten days.

8. Prior to ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 rarely flooded, never flooded as much, never flooded over as large an area, and never flooded for as long.

9. To date, the most invasive flood occurred in 2003 with approximately 8 acres of Mercer County Parcel Number 28-010400.0100 and 0.25 acres of Mercer County Parcel Number 42-014000.0100 being flooded with approximately one foot to ten feet of water for approximately at least ten days. True and accurate copies of black and white aerials from the Mercer County Auditor's website of Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 are attached hereto as Exhibits A & B. I have shaded in the area of each parcel that was flooded in 2003.

10. Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 also experienced severe flooding in 2005.

DON000538

11. Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 were again flooded as recently as Spring 2009.

12. As a direct result of the flooding, Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 have suffered damage in the form of loss of crops, field and bank erosion, the deposit of silt and other debris, drainage tile failure, and soil compaction.

13. As a direct result of the flooding, our home located on Mercer County Parcel Number 28-010400.0100 was inundated with water and suffered severe damage.

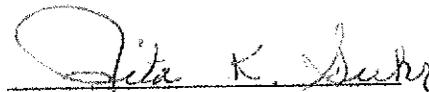
14. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100.

15. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a result of ODNR's replacement of the western spillway and ODNR's current management practices.

FURTHER AFFIANT SAYETH NAUGHT.


Brenda S. Powell

Sworn in my presence and subscribed before me this 15th day of October, 2009.


Notary Public

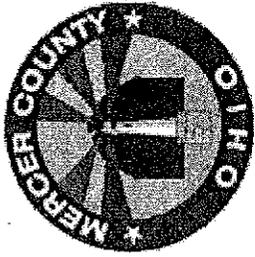
RITA K SUHR
Notary Public • State of Ohio
My Commission Expires May 13, 2011
Recorded in Mercer County

DON000539

EXHIBIT A
TO
AFFIDAVIT OF BRENDA S. POWELL

DON000540

Mercer County Ohio



Legend

Administrative



Townships



Neighborhoods

Parcels



Parcels

Transportation



State Highways

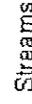


US Highways

Water



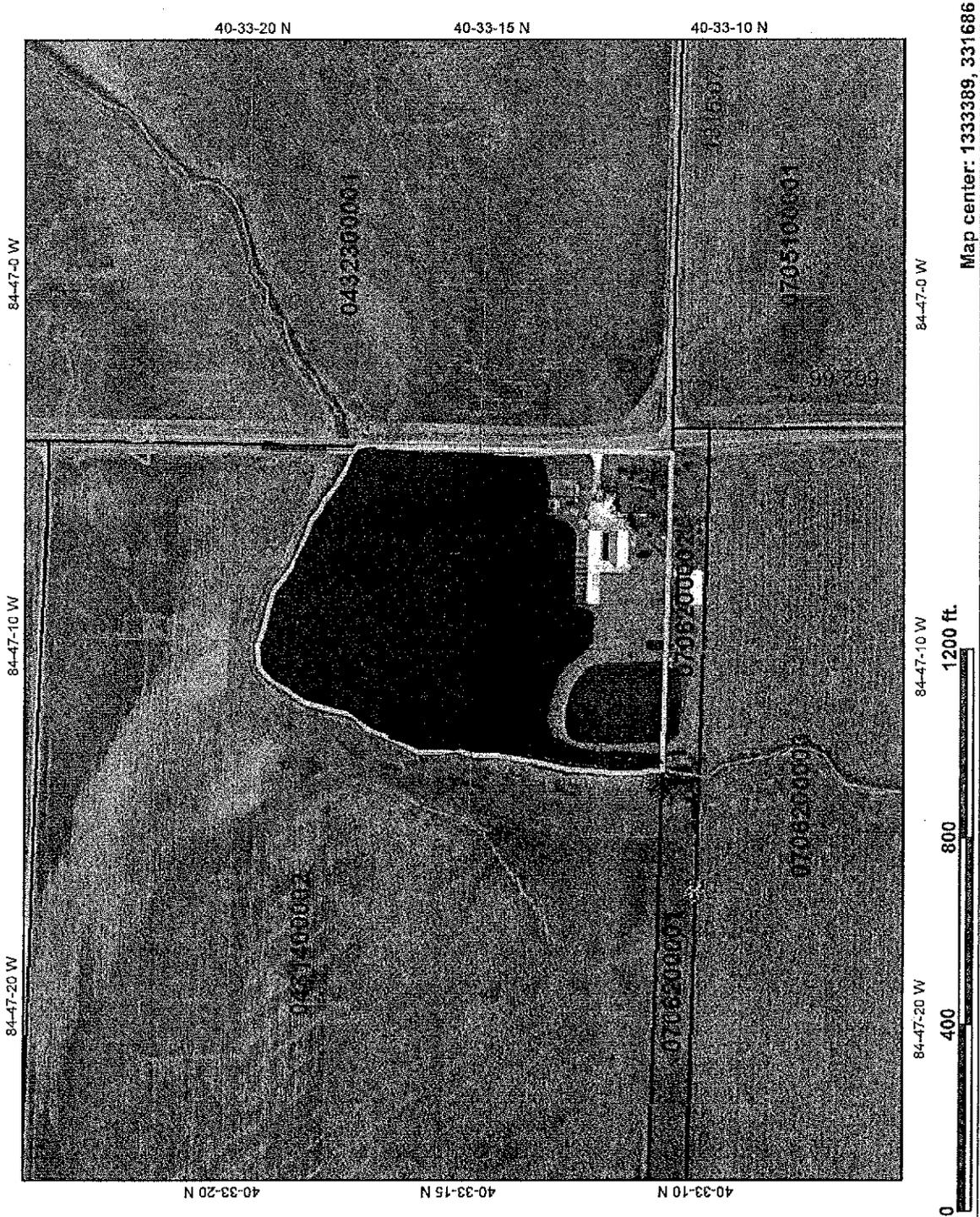
Lake



Streams



Scale: 1:4,000



0 400 800 1200 ft.

Map center: 1333389, 331686

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



Thomas L. Powell and Brenda S. Powell
 7009 St. Rt. 49
 Parcel No.: 28-010400.0100 - 11.62 acres

DON000541

EXHIBIT B
TO
AFFIDAVIT OF BRENDA S. POWELL

DON000542

severe than any normal spring flooding that occurred prior to 1997, when the new spillway was constructed.

7. I attach as Exhibit 1 true and accurate copies of photographs I took on March 14, 2010 of the flooding of Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100, the Stein Farm, and the spillway.

8. The handwriting of Exhibit 1 is my handwriting and accurately describes the photographs attached as Exhibit 1.

9. I attach as Exhibit 2 true and accurate copies of a video my husband, Thomas Powell, and I took on March 13 and March 14, 2010 of the flooding of Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100, the Stein Farm, and the spillway (as seen on March 14, 2010).

FURTHER AFFIANT SAYETH NAUGHT.

Brenda S Powell
Brenda S. Powell

Sworn in my presence and subscribed before me this 31 day of March, 2010.

Martha C Brewer
Notary Public

MARTHA C. BREWER, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

DON002437

EXHIBIT 1
AFFIDAVIT OF BRENDA S. POWELL

DON002438



Picture taken
3/14/10
from Barnyard
facing North
toward Minch Rd
Grain Bin to right
Tom & Brenda Powell farm

02/16/10

DON002439



3/14/10 taken
from SR 49 facing
North-West
creek is grassy
area in background

◇ 03/15/10

03/15/10 10:00 AM

DON002440



taken 3/14/10
from SR 49
facing South-west.
Tom & Brenda
Powell farm

0 #15/10

0 #15/10

DON002441



taken 3/14/10
from Bridge
on S.R. 49
Tom & Brenda Powell
field to the left.

03/14/10

①

03/14/10 07:12 PM

DON002442



taken 3/14/10
from Bridge
Tom & Brenda
Powell field
to the left
of the 1st picture

01/01/00 03/16/10

②

01/01/00 03/16/10

DON002443



taken 3/14/10
from Bridge
Tom & Brenda
Powell field
to the left of
the 2nd picture.
farm Bldg & home
in background

01/91/28 0

(3)

01/91/28 0

DON002444



taken 3/14/10
Tom & Brenda
Powell farm
in background -
past grass "creek" area.

0 03/15/10

0 03/15/10

DON002445



taken 3/14/10

Water flowing
from Creek To
the West into
our property
South of the pond.

Tom & Brenda Powell Farm

03/16/10

03/16/10

DON002446



taken 3/14/10

Tom & Brenda Powell
top field

Powell/Agnello
bottom field

03/16/10

03/16/10

DON002447



taken 3/14/10
Powell/Agnello
Farm foreground,
Tom & Brenda Powell
in Background

03/16/10

03/16/10 03/16/10

DON002448



taken 3/14/10 from Bridge
water running out
of Creek - from
South to North
into Powell/Agnello
field

03/16/10

03/16/10 10:00 AM

DON002449



taken 3/14/10 from Bridge

Water running out
of Creek into
Powell/Agnello
field

01/91/2010

South to North flow
into field

DON002450



taken 3/14/10
Water over
Powell / Agnello
Farm - grassy
area in center
of water is
creek bank.
Notice bridge
to left.

◇ 03/16/10

03/16/10 10:00 AM

DON002451



taken 3/14/10

Water over
Powell/Agnello
Farm.

Grassy Area in
Center of water
is the creek banks

01/16/09

01/16/09

DON002452



taken 3/14/10

Water flowing from
Powell/Agnello
Farm, over Minch
Rd.

01/91/28 0

01/91/28 0

DON002453



taken 3/14/10

Powell / Agnello
farm - toward
Creek to South

03/16/10

03/16/10 11:00 AM

DON002454



taken 3/14/10
Powell / Agnello
farm - toward
Creek to South

03/16/10

03/16/10

DON002455



taken 3/14/10
Water over
Powell / Agnello
Farm - grassy
area in center
of water are
the creek banks.
Notice bridge
to the left.

01/91/20 0 03/16/10

01/91/20 0 03/16/10

DON002456



01/91/20 <

01/91/20 <

taken 3/14/10
Water over
Powell/Agnello
Farm - Minch Rd
to Creek

DON002457



taken 3/14/10
Powell/Agnello
farm - toward
Creek to South

01/01/00 0

01/01/00 0

DON002458



taken 3/14/10
Powell / Agnello
farm - toward
Creek to South

◇ 03/16/10

03/16/10 03/16/10 03/16/10

DON002459



taken 3/14/10
from Minch Rd
facing South-
East - toward
S.R. 49.

01/91/20 0

01/91/20 0

DON002460



◇ 03/16/10

03/16/10 03:16:10

taken 3/14/10
water running
over Minch Rd
North end of
Powell/Agnello
Farm

DON002461

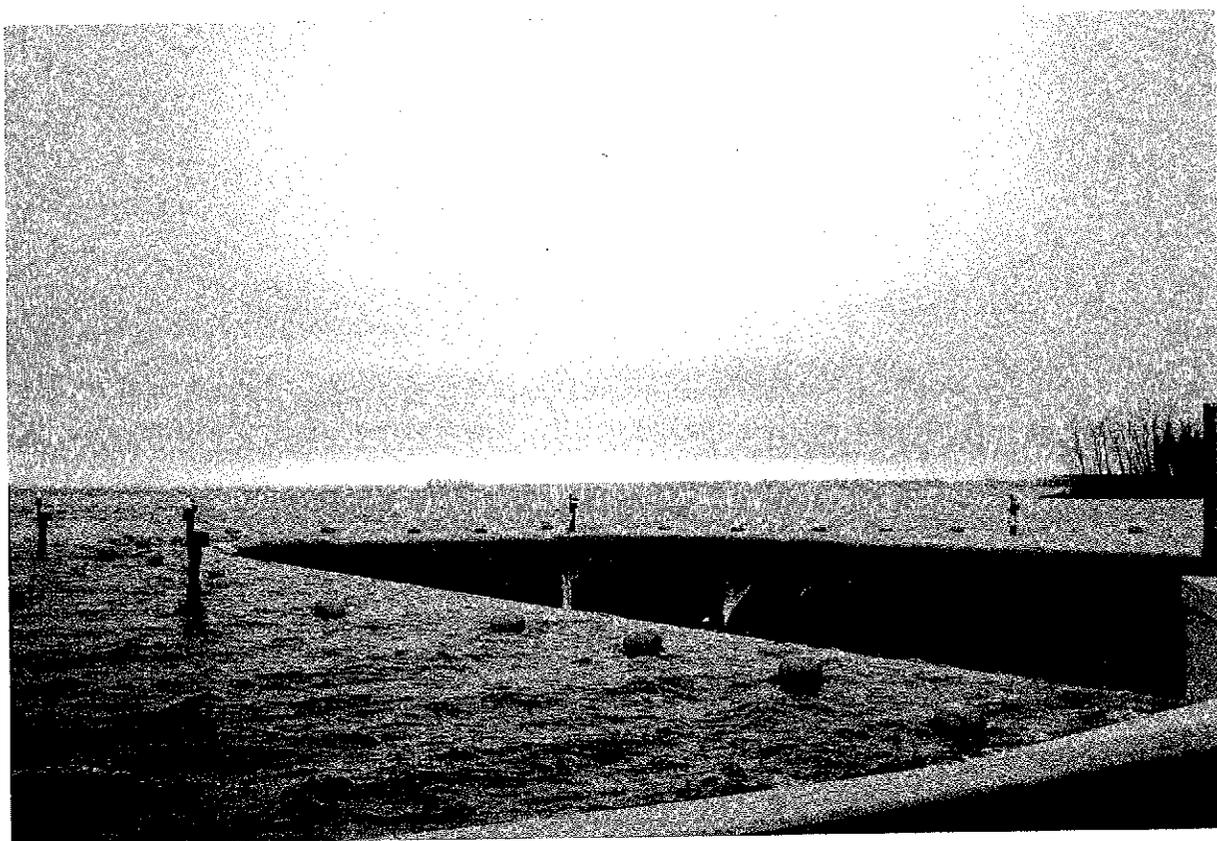


taken 3/14/10
water flowing
from Powell Agnello
Farm, over
Mind Road

03/15/10

03/15/10 10:00:00 AM

DON002462



taken 3/14/10
Water flowing
over all sides
of Spillway
on West Bank Rd.

◇ 03/16/10

03/16/10 11:00 AM

DON002464

EXHIBIT 2
AFFIDAVIT OF BRENDA S. POWELL

DON002465

7. Since ODNR replaced the western spillway of Grand Lake St. Mary's in 1997 and undertook its current lake level management practices, which include maintaining increased lake levels and use of the western spillway for virtually all water flow out of Grand Lake St. Mary's, Mercer County Parcel Numbers 28-010400.0000, 42-014000.0000, 42-024200.0000, and 42-016900.0000 have been subject to continuing, persistent, frequent, and inevitable increased severe flooding from the western spillway of Grand Lake St. Mary's.

8. Specifically, as a result of ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 28-010400.0000, 42-014000.0000, 42-024200.0000, and 42-016900.0000 have flooded approximately fifteen times, or at least once per year. On each occasion, Mercer County Parcel Numbers 42-016900.0000 and 42-024200.0000 were inundated with water at depths varying from three feet to six feet. On each occasion, Mercer County Parcel Numbers 28-010400.0000 and 42-014000.0000 were inundated with water at depths varying from one foot to three feet.

9. Since ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 28-010400.0000, 42-014000.0000, 42-024200.0000, and 42-016900.0000 flood more rapidly and remain flooded for longer periods of time. On each occasion of flooding, Mercer County Parcel Numbers 28-010400.0000, 42-014000.0000, 42-024200.0000, and 42-016900.0000 remained inundated with water for a period of time up to seven days.

10. Prior to ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 28-010400.0000, 42-014000.0000, 42-024200.0000, and 42-016900.0000 never flooded as much, never flooded over as large an area, and never flooded for as long.

DON000545

11. To date, the most invasive flood occurred in 2003 with approximately 19 acres of Mercer County Parcel Number 28-010400.0000, 1.5 acres of Mercer County Parcel Number 42-014000.0000, 31 acres of Mercer County Parcel Number 42-024200.0000, and 41 acres of Mercer County Parcel Number 42-016900.0000 being flooded with approximately 3 feet to 6 feet of water for up to 7 days. A true and accurate copy of a black and white aerial from the Mercer County Auditor's website of Mercer County Parcel Numbers 28-010400.0000, 42-014000.0000, 42-024200.0000, and 42-016900.0000 are attached hereto as Exhibits A, B, C, and D respectively. I have shaded in the area of each parcel that was flooded in 2003.

12. Attached hereto as Exhibits E, F, and G are photographs that truly and accurately depict the flooding of Mercer County Parcel Number 42-016900.0000 in 2003.

13. Mercer County Parcel Numbers 28-010400.0000, 42-014000.0000, 42-024200.0000, and 42-016900.0000 also experienced severe flooding in 2005.

14. Mercer County Parcel Numbers 28-010400.0000, 42-014000.0000, 42-024200.0000, and 42-016900.0000 were again flooded as recently as May 2009.

15. As a direct result of the flooding, Mercer County Parcel Numbers 28-010400.0000 and 42-014000.0000 have suffered damage in the form of loss of crops, field erosion, the deposit of silt, sand, and other debris, and soil compaction.

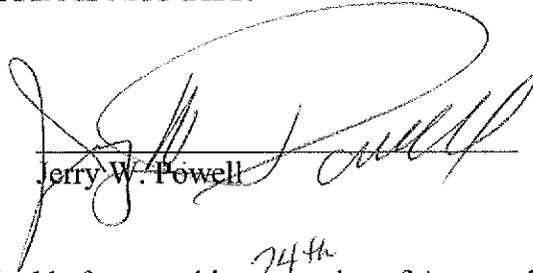
16. As a direct result of the flooding, Mercer County Parcel Numbers 42-024200.0000, and 42-016900.0000 have suffered damage in the form of loss of crops, field and bank erosion, the deposit of silt, sand, and other debris, and soil compaction.

17. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Numbers 28-010400.0000, 42-014000.0000, 42-024200.0000, and 42-016900.0000.

DON000546

18. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a result of ODNR's replacement of the western spillway and ODNR's current management practices.

FURTHER AFFIANT SAYETH NAUGHT.


Jerry W. Powell

Sworn in my presence and subscribed before me this 24th day of August, 2009.


Notary Public

KRISTIKRESS WILHELMY
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 O.R.C.

DON000547

EXHIBIT A
TO
AFFIDAVIT OF JERRY W. POWELL

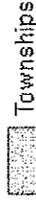
DON000548

Mercer County Ohio



Legend

Administrative

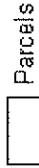


Townships



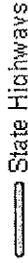
Neighborhoods

Parcels

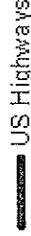


Parcels

Transportation



State Highways



US Highways

Water



Lake



Streams



Scale: 1:5,192

40-33-30 N 40-33-25 N 40-33-20 N 40-33-15 N 40-33-10 N



84-47-10 W

84-47-20 W

84-47-30 W

84-47-40 W

84-47-10 W

84-47-20 W

84-47-30 W

84-47-40 W

1500 ft.

1000

500

Map center: 1332409, 331964

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Paul A. Agnello and Rhonda E. Angelo (1/2); and Jerry W. Powell or Betty L. Powell, Trustees of The Powell Living Trust Dated 12-22-05 (1/2)

-0- St. Rt. 49 Parcel No. 28-010400.0000 - 68.38 acres

EXHIBIT

A

Tables

DON000549

EXHIBIT B
TO
AFFIDAVIT OF JERRY W. POWELL

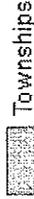
DON000550

Mercer County Ohio

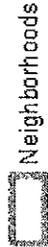


Legend

Administrative

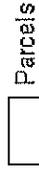


Townships



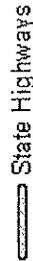
Neighborhoods

Parcels

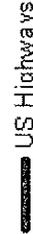


Parcels

Transportation



State Highways

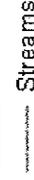


US Highways

Water



Lake



Streams



Scale: 1:3,883



Map center: 1332213, 331344

EXHIBIT

B

Paul A. Agnello and Rhonda E. Angelo (1/2); and Jerry W. Powell or Betty L. Powell, Trustees of The Powell Living Trust Dated 12-22-05 (1/2)

-0- St. Rt. 49
Parcel No. 42-014000.0000 - 3.58 acres

DON000551

EXHIBIT C
TO
AFFIDAVIT OF JERRY W. POWELL

DON000552

Mercer County Ohio

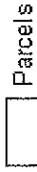


Legend

Administrative

-  Townships
-  Neighborhoods

Parcels

-  Parcels

Transportation

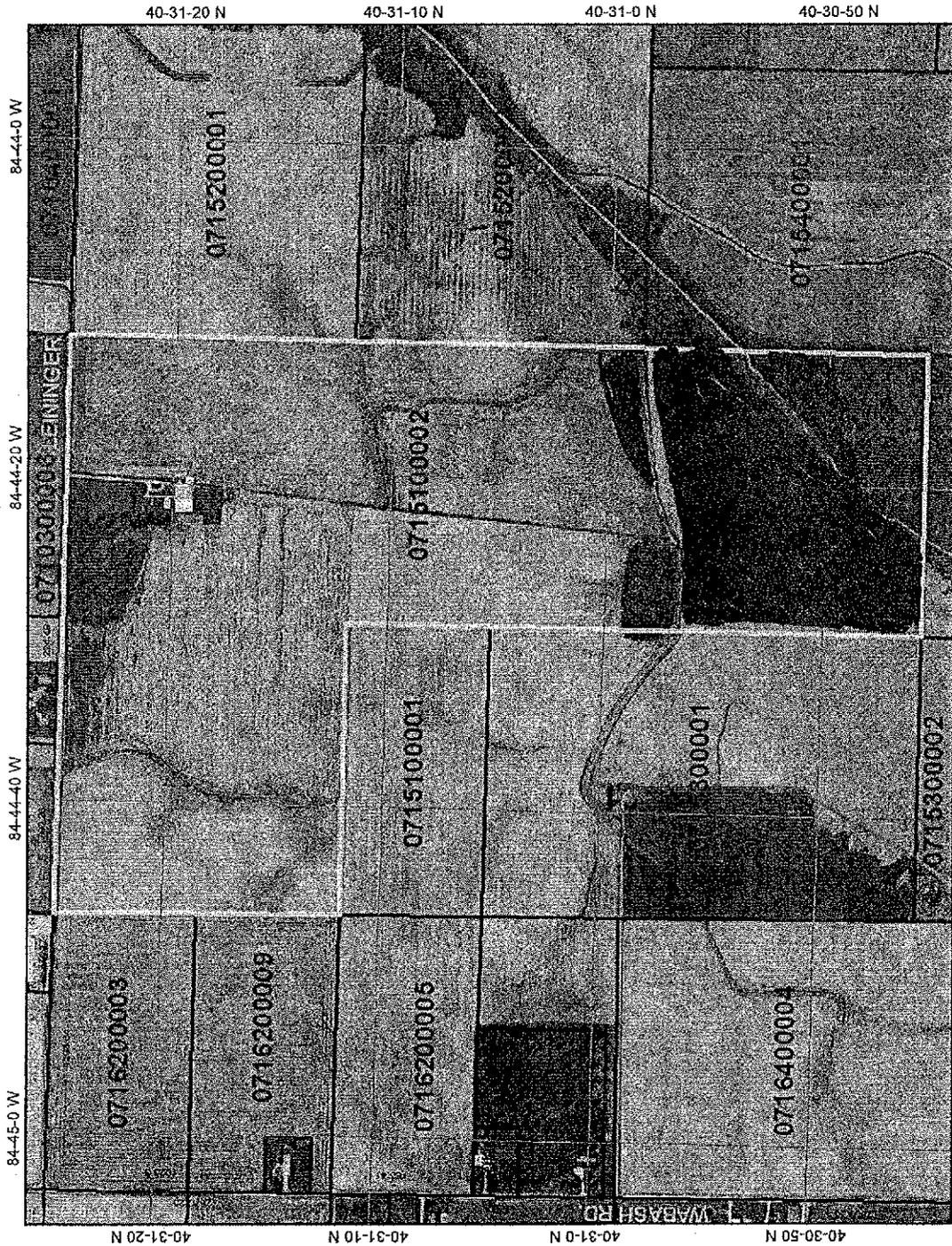
-  State Highways
-  US Highways

Water

-  Lake
-  Streams



Scale: 1:9,200



2700 ft.

1800

900

0

Map center: 1345409, 318213

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Jerry W. Powell or Betty L. Powell, Trustees of The Powell

Living Trust Dated 12-22-05

1684 Leininger Rd.

Parcel No.: 42-024200.0000 - 160 acres

EXHIBIT

tabbles

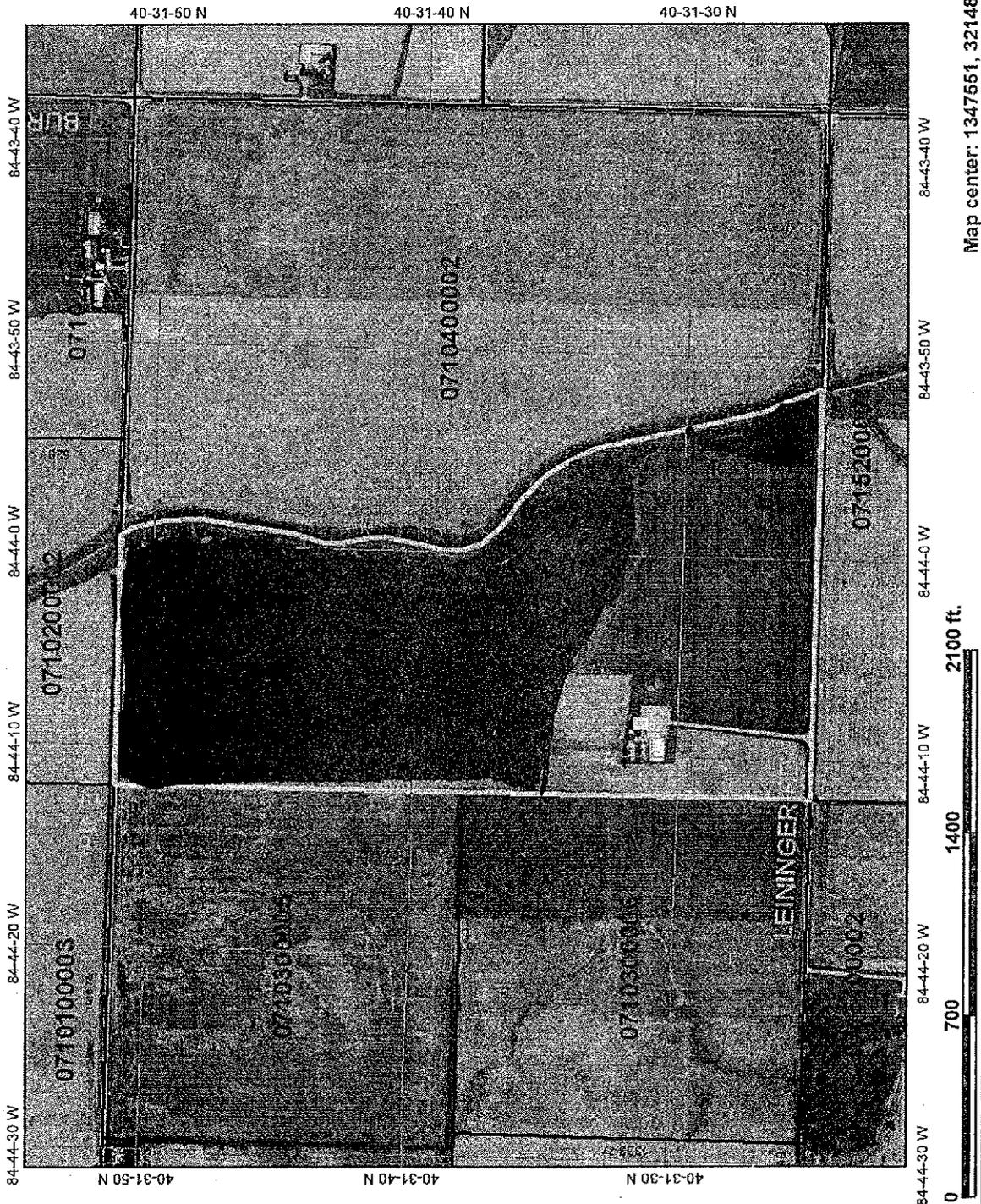
C

DON000553

EXHIBIT D
TO
AFFIDAVIT OF JERRY W. POWELL

DON000554

Mercer County Ohio



Legend

Administrative

- Townships
- Neighborhoods

Parcels

- Parcels

Transportation

- State Highways
- US Highways

Water

- Lake
- Streams



Scale: 1:7,200

Map center: 1347551, 321485

EXHIBIT

D

Tables

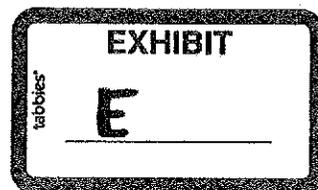
This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Jerry W. Powell or Betty L. Powell, Trustees of The Powell Living Trust Dated 12-22-05
 -0- Leininger Rd.
 Parcel No.: 42-016900.0000 -- 70.50 acres

DON000555

EXHIBIT E
TO
AFFIDAVIT OF JERRY W. POWELL

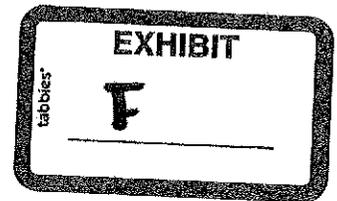
DON000556



DON000557

EXHIBIT F
TO
AFFIDAVIT OF JERRY W. POWELL

DON000558



DON000559

EXHIBIT G
TO
AFFIDAVIT OF JERRY W. POWELL

DON000560

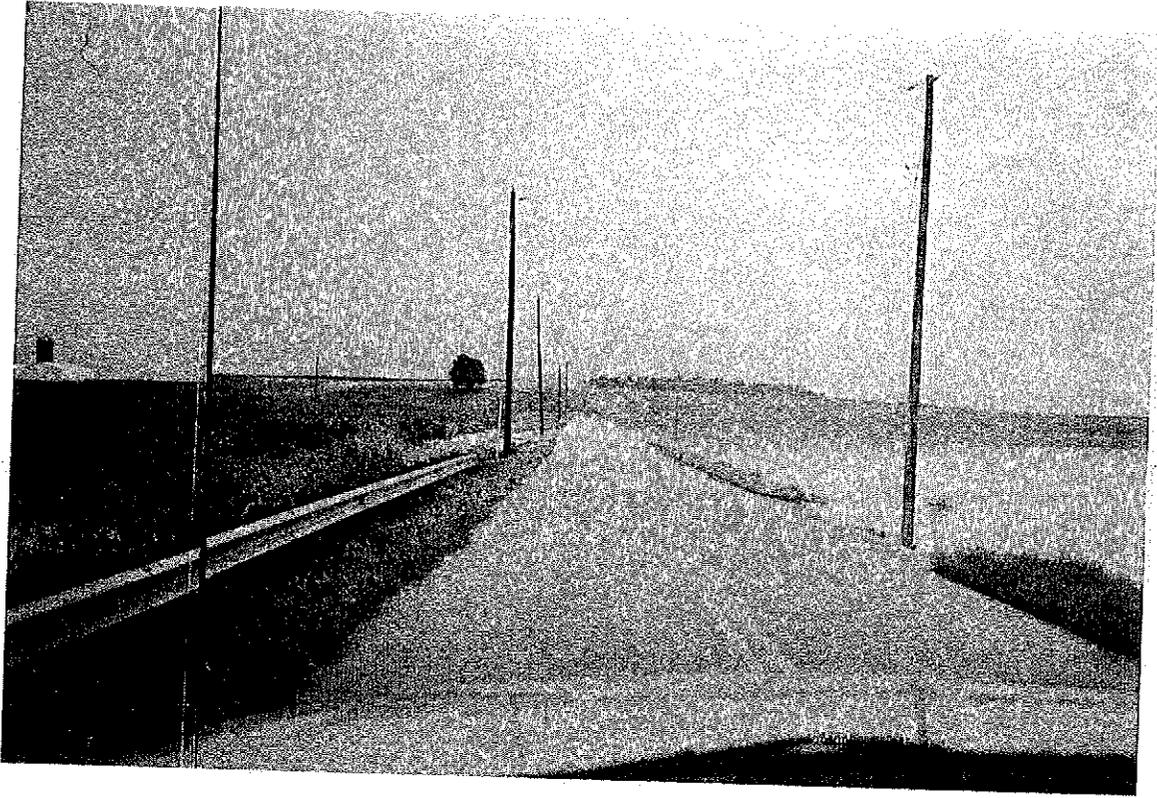


EXHIBIT
6
tabbles®

DON000561

6. Specifically, as a result of ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 have flooded approximately fifteen times, or at least once per year. On each occasion, Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 were inundated with water at depths varying from six inches to six feet.

7. Since ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 flood more rapidly and remain flooded for longer periods of time. On each occasion of flooding, Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 remained inundated with water for a period of two to ten days.

8. Prior to ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 rarely flooded, never flooded as much, never flooded over as large an area, and never flooded for as long.

9. To date, the most invasive flood occurred in 2003 with approximately 8 acres of Mercer County Parcel Number 28-010400.0100 and 0.25 acres of Mercer County Parcel Number 42-014000.0100 being flooded with approximately one foot to ten feet of water for approximately at least ten days. True and accurate copies of black and white aerials from the Mercer County Auditor's website of Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 are attached hereto as Exhibits A & B. I have shaded in the area of each parcel that was flooded in 2003.

10. Attached hereto as Exhibit C is a photograph that truly and accurately depicts the flooding of Mercer County Parcel Number 28-010400.0100 in 2003.

DON000563

11. Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 also experienced severe flooding in 2005.

12. Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 were again flooded as recently as Spring 2009.

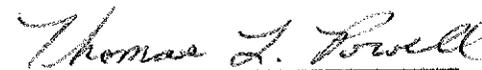
13. As a direct result of the flooding, Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100 have suffered damage in the form of loss of crops, field and bank erosion, the deposit of silt and other debris, drainage tile failure, and soil compaction.

14. As a direct result of the flooding, our home located on Mercer County Parcel Number 28-010400.0100 was inundated with water and suffered severe damage.

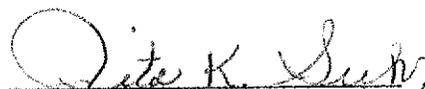
15. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Numbers 28-010400.0100 and 42-014000.0100.

16. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a result of ODNR's replacement of the western spillway and ODNR's current management practices.

FURTHER AFFIANT SAYETH NAUGHT.


Thomas L. Powell

Sworn in my presence and subscribed before me this 15th day of October, 2009.


Notary Public

RITA K SUHR
Notary Public • State of Ohio
My Commission Expires May 13, 2011
Recorded in Mercer County

EXHIBIT A
TO
AFFIDAVIT OF THOMAS L. POWELL

DON000565

Mercer County Ohio



Legend

Administrative

- Townships
- Neighborhoods

Parcels

- Parcels

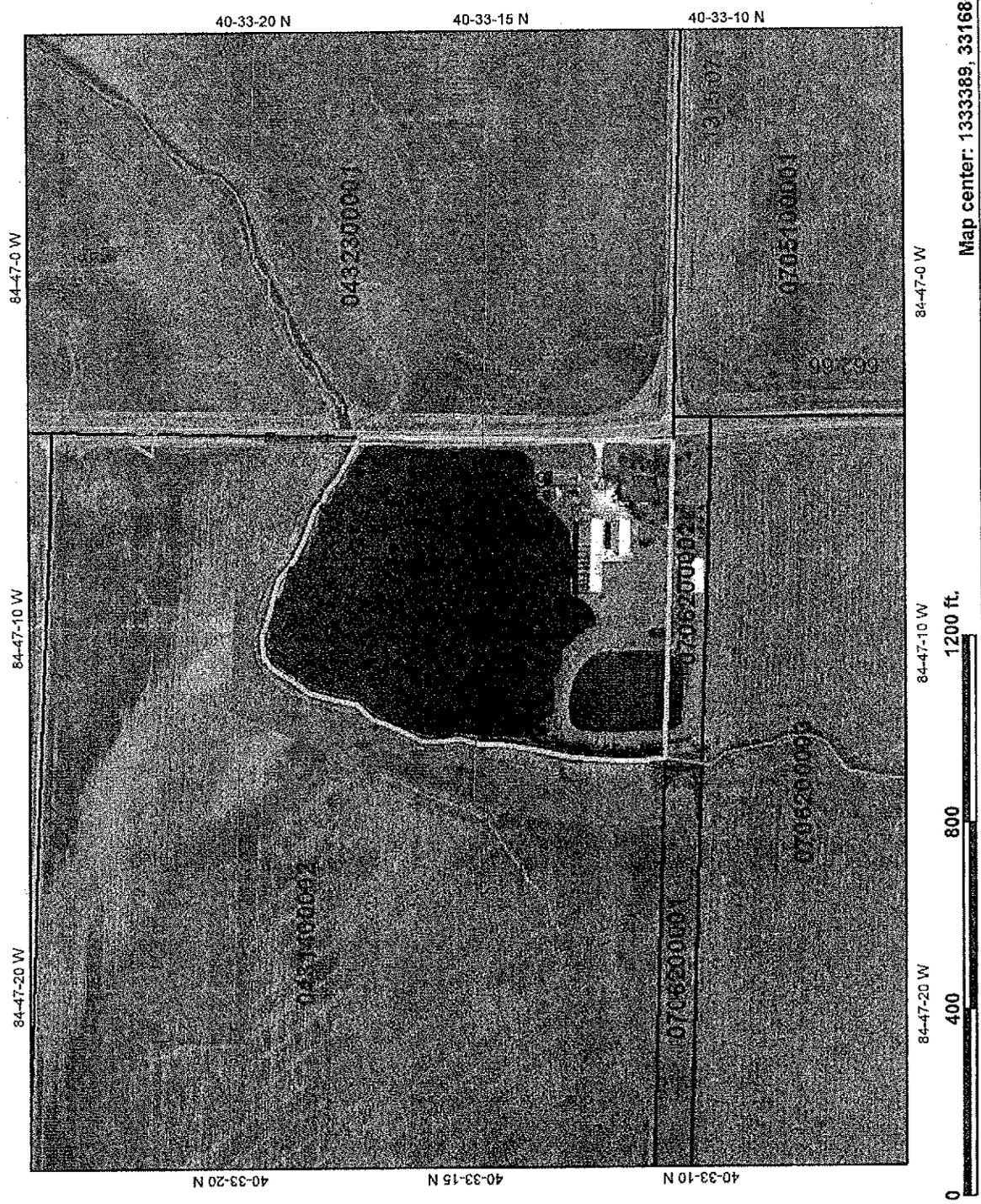
Transportation

- State Highways
- US Highways

Water

- Lake
- Streams

Scale: 1:4,000



0 400 800 1200 ft.

Map center: 1333389, 331686

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Thomas L. Powell and Brenda S. Powell
 7009 St. Rt. 49
 Parcel No.: 28-010400.0100 -- 11.62 acres

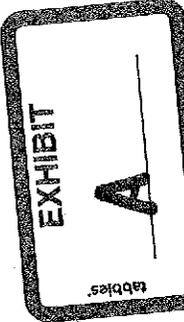
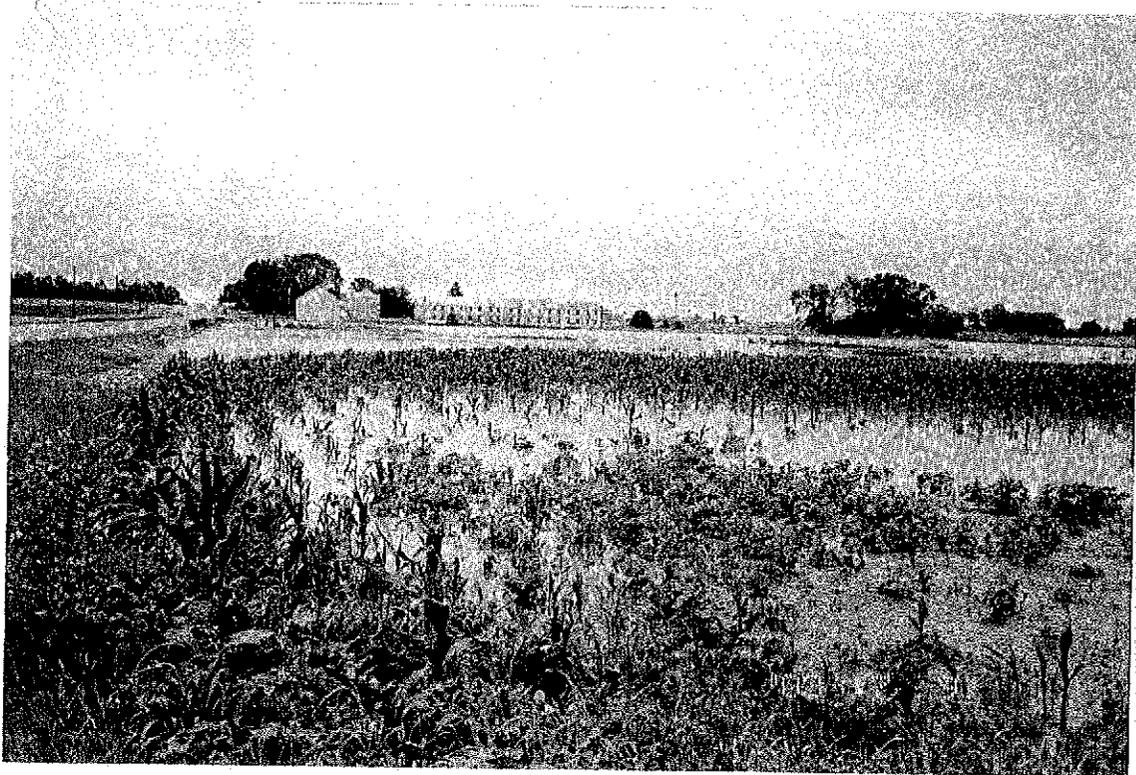


EXHIBIT B
TO
AFFIDAVIT OF THOMAS L. POWELL

DON000567

EXHIBIT C
TO
AFFIDAVIT OF THOMAS L. POWELL

DON000569



tabbles
EXHIBIT
C

DON000570

7. To date, the most invasive flood occurred in 2003 with approximately 142 acres of Mercer County Parcel Number 28-013400.0000 being flooded with approximately one to six feet of water. A true and accurate copy of a black and white aerial from the Mercer County Auditor's website of Mercer County Parcel Number 28-013400.0000 is attached hereto as Exhibit A. I have shaded in the area of the parcel that was flooded in 2003.

8. To date, the most invasive flood occurred in 2003 with approximately 22 acres of Mercer County Parcel Number 28-013500.0000 being flooded with approximately one to six feet of water. A true and accurate copy of a black and white aerial from the Mercer County Auditor's website of Mercer County Parcel Number 28-013500.0000 is attached hereto as Exhibit B. I have shaded in the area of the parcel that was flooded in 2003.

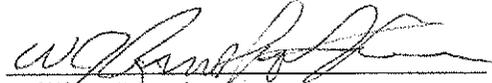
9. Attached hereto as Exhibit C are photographs that truly and accurately depict the flooding of Mercer County Parcel Numbers 28-013400.0000 and 28-013500.0000 being flooded with approximately one to six feet of water.

10. As a direct result of the flooding, Mercer County Parcel Numbers 28-013400.0000 and 28-013500.0000 have suffered damage in the form of field and bank erosion, the deposit of silt, sand, stones, and other debris, soil compaction, and the destruction of trees, bushes, shrubs, vines and saplings.

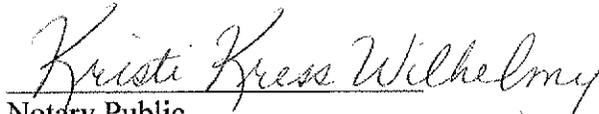
DON000572

11. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Numbers 28-013400.0000 and 28-013500.0000.

FURTHER AFFIANT SAYETH NAUGHT.


William Ransbottom

Sworn in my presence and subscribed before me this 24th day of August, 2009.


Notary Public

KRISTI KRESS WILHELMY
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 O.R.C.

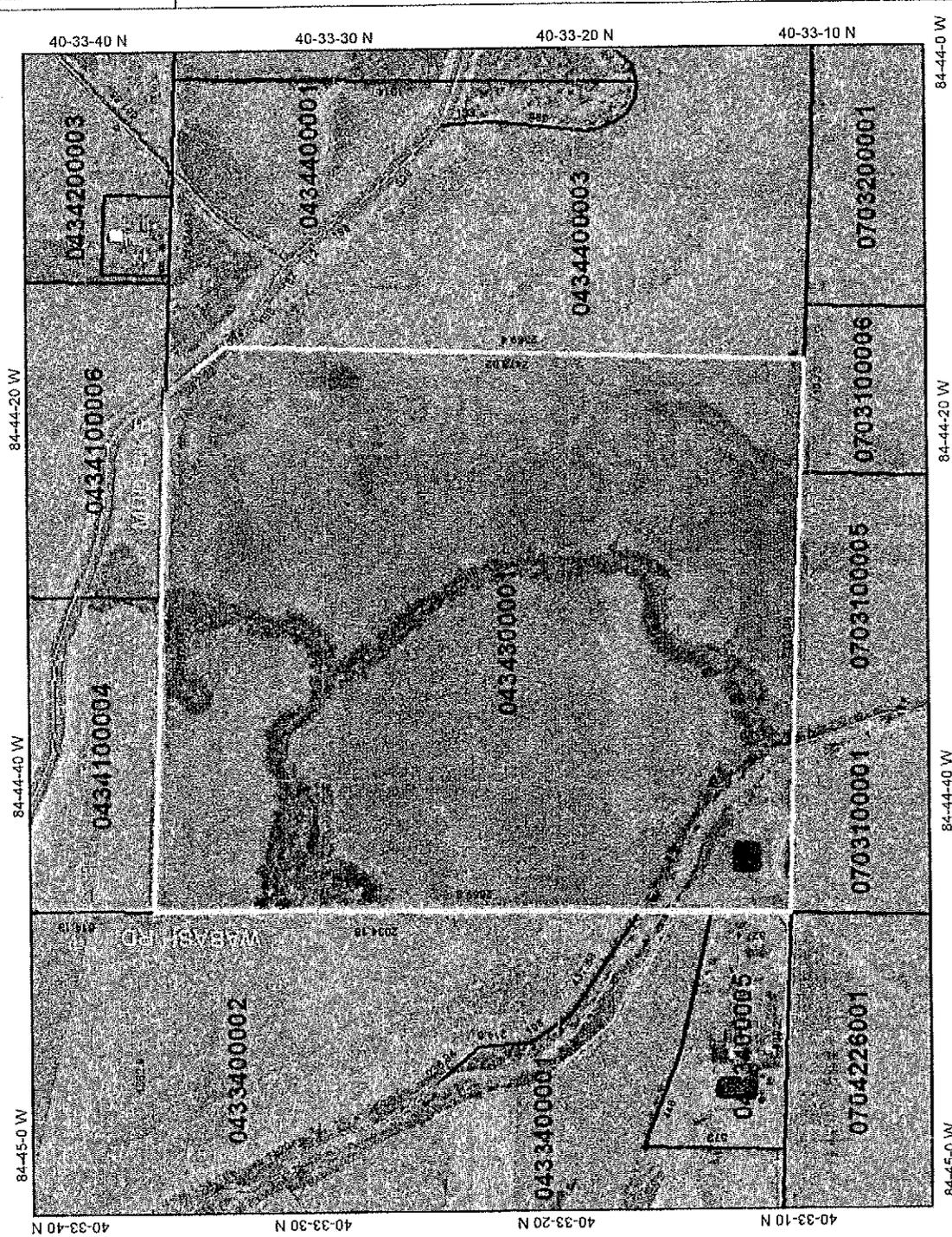
DON000573

EXHIBIT A
TO
AFFIDAVIT OF
WILLIAM RANSBOTTOM

DON000574

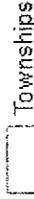
Mercer County Ohio

 = Flooded
 = Not Flooded

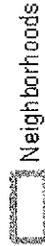


Legend

Administrative

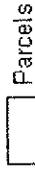


Townships

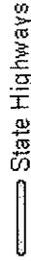


Neighborhoods

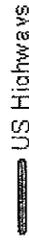
Parcels



Transportation



State Highways

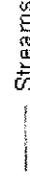


US Highways

Water



Lake



Streams

EXHIBIT



tabbles*



Scale: 1:8,000

Map center: 1345550, 332212

2250 ft.

1500

750

0

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

William J. Ransbottom (1/2) and Jean A. Karr, Trustee of the
 Jean A. Karr Revocable Trust Dated 10-9-01 (1/2)
 -0- Mud Pike

DON000575

EXHIBIT B
TO
AFFIDAVIT OF
WILLIAM RANSBOTTOM

DON000576

3 208
= Not Flooded

Mercer County Ohio



Legend

Administrative

- Townships
- Neighborhoods

Parcels

- Parcels

Transportation

- State Highways
- US Highways

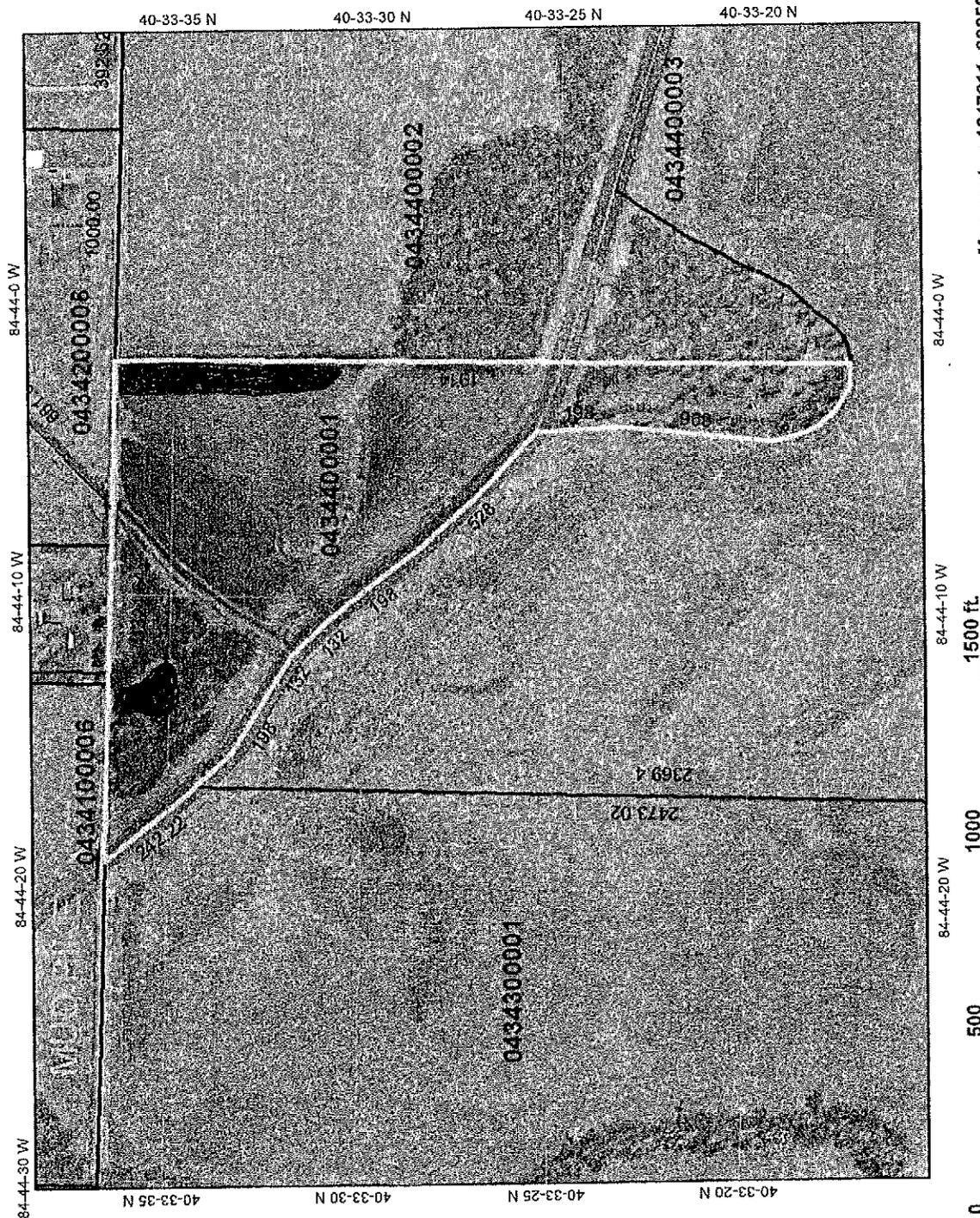
Water

- Lake
- Streams

EXHIBIT

B

Scale: 1:5,000



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

William J. Ransbottom (1/2) and Jean A. Karr, Trustee of the
 Jean A. Karr Revocable Trust Dated 10-9-01 (1/2)
 -0- Mud Pike
 Parcel No.: 28-013500.0000 - 23.85 acres

DON000577

EXHIBIT C
TO
AFFIDAVIT OF
WILLIAM RANSBOTTOM

DON000578



DON000579





DON000580

AFFIDAVIT OF THOMAS D. RASAWEHR

STATE OF OHIO)
) ss:
COUNTY OF MERCER)

My name is Thomas D. Rasawehr, I am over the age of 21, and I am competent to make this affidavit. The facts stated herein are within my personal knowledge and are true and correct.

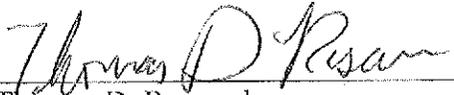
I state as follows:

1. I am a Relator in this mandamus action against Respondent Sean D. Logan, Director, Ohio Department of Natural Resources (“ODNR”).
2. Specifically, I am an owner of real estate described as Mercer County Parcel Numbers 42-001300.0000. I have owned this property since approximately 1985.
3. The Beaver Creek cuts through Mercer County Parcel Number 42-001300.0000.
4. Starting March 13, 2010, the western spillway of Grand Lake St. Marys and current lake level management practices again caused severe flooding downstream of the western spillway along the Beaver Creek and flooded my property caused by the spillway and ODNR’s continued decisions to elect not to drawdown the Grand Lake to lower its water-level so as to prevent or minimize flooding.
5. I attach as Exhibit 1 a DVD-R containing true and accurate copies of video clips and digital photographs I took between March 13 and March 14, 2010 of the flooding of Mercer County Parcel Number 42-001300.0000, the flooding of the Weismans’ property off of Erastus Durbin Road, the Beaver Creek overtopping its banks with floodwaters onto those properties and the spillway.

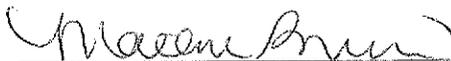
6. The flooding starting on March 13, 2010 flooded approximately 35 acres of Mercer County Parcel Number 42-001300.0000.

7. I have no recollection of ever seeing Mercer County Parcel Number 42-001300.0000 flood anywhere near to this extent prior to 1997.

FURTHER AFFIANT SAYETH NAUGHT.


Thomas D. Rasawehr

Sworn in my presence and subscribed before me this 18th day of April, 2010.


Notary Public

MARTHA C. BREWER, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

DON002487

EXHIBIT 1
AFFIDAVIT OF THOMAS D. RASAWEHR

DON002488

6. Specifically, as a result of ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Number 42-018500.0000 has flooded approximately fifteen times, or at least once per year. On each occasion, Mercer County Parcel Number 42-018500.0000 was inundated with water at depths varying from six inches to three feet.

7. Since ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Number 42-018500.0000 floods more rapidly and remains flooded for longer periods of time. On each occasion of flooding, Mercer County Parcel Number 42-018500.0000 remained inundated with water for a period of two to five days.

8. Prior to ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Number 42-018500.0000 never flooded as frequently, never flooded over as large an area, and never flooded for as long.

9. To date, the most invasive flood occurred in 2003 with approximately 31 acres of Mercer County Parcel Number 42-018500.0000 being flooded with approximately three feet of water for approximately five days. A true and accurate copy of a black and white aerial from the Mercer County Auditor's website of Mercer County Parcel Number 42-018500.0000 is attached hereto as Exhibit A. I have shaded in the area of the parcel that was flooded in 2003.

10. Mercer County Parcel Number 42-018500.0000 also experienced severe flooding in 2005.

11. Mercer County Parcel Number 42-018500.0000 was again flooded as recently as Spring 2009.

DON000582

12. As a direct result of the flooding, Mercer County Parcel Number 42-018500.0000 has suffered damage in the form of loss of crops, bank erosion, the deposit of debris, and drainage tile failure.

13. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Number 42-018500.0000.

14. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a result of ODNR's replacement of the western spillway and ODNR's current management practices.

FURTHER AFFIANT SAYETH NAUGHT.

Carl W. Rose
Carl W. Rose

Sworn in my presence and subscribed before me this 25th day of August, 2009.

Kristi Kress Wilhelmy
Notary Public

KRISTI KRESS WILHELMY
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 O.R.C.

DON000583

EXHIBIT A
TO
AFFIDAVIT OF CARL W. ROSE

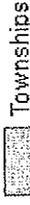
DON000584

Mercer County Ohio

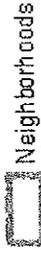


Legend

Administrative

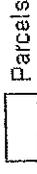


Townships



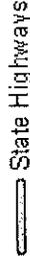
Neighborhoods

Parcels

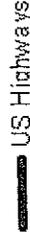


Parcels

Transportation



State Highways

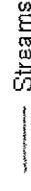


US Highways

Water



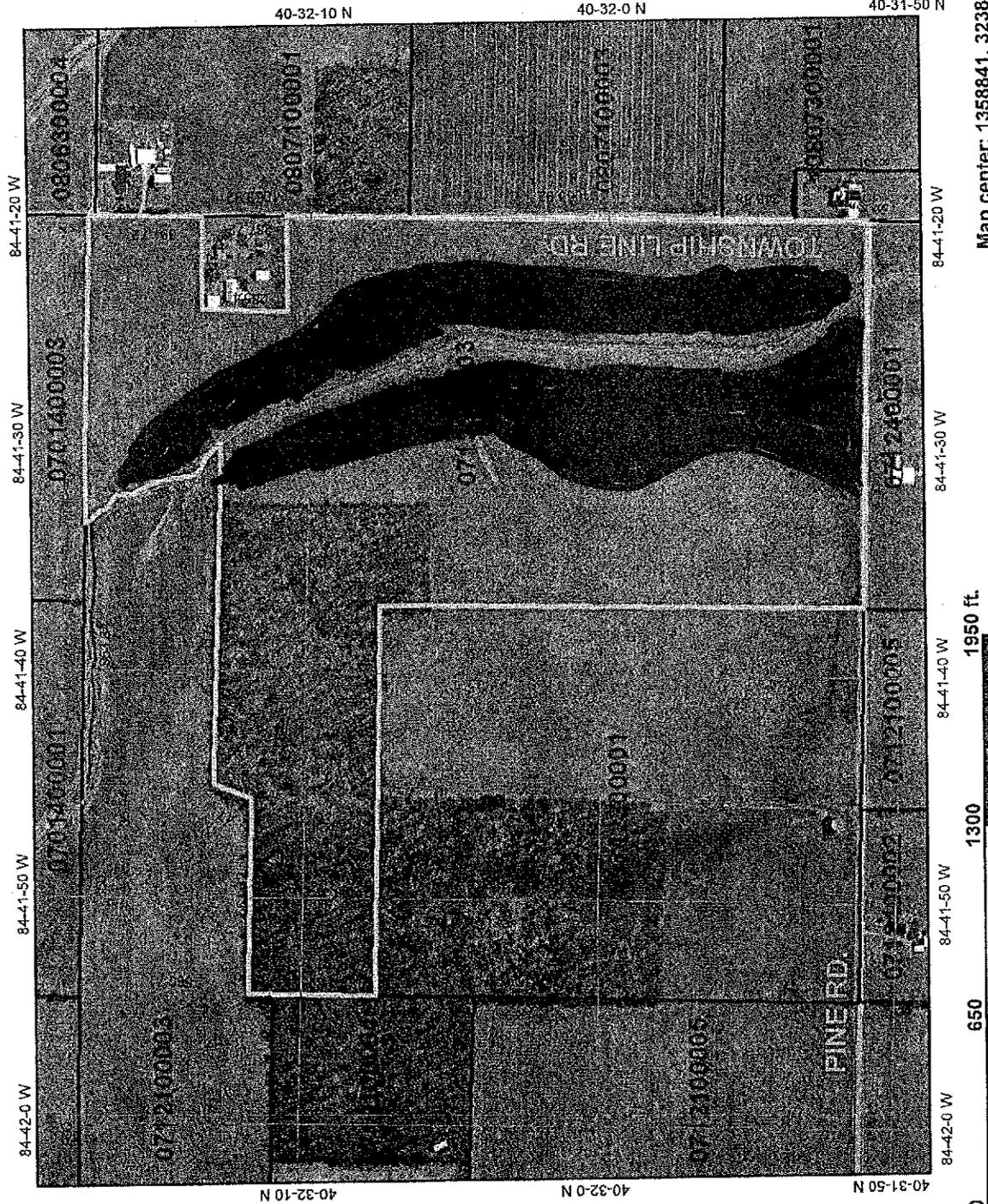
Lake



Streams



Scale: 1:6,500



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Carl W. Rose and Lucile M. Rose
 -0- Pine Rd.
 Parcel No.: 42-018500.0000 - 87.788 acres

EXHIBIT
A

6. Specifically, as a result of ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 42-019700.0000 and 42-019800.0000 have flooded approximately fifteen times, or at least once per year. On each occasion, Mercer County Parcel Numbers 42-019700.0000 and 42-019800.0000 were inundated with water at depths varying from six inches to three feet.

7. Since ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 42-019700.0000 and 42-019800.0000 flood more rapidly and remain flooded for longer periods of time. On each occasion of flooding, Mercer County Parcel Numbers 42-019700.0000 and 42-019800.0000 remained inundated with water for a period of two to five days.

8. Prior to ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 42-019700.0000 and 42-019800.0000 never flooded as frequently, never flooded over as large an area, and never flooded for as long.

9. To date, the most invasive flood occurred in 2003 with approximately 20 acres of Mercer County Parcel Number 42-019700.0000 and 28 acres of Mercer County Parcel Number 42-019800.0000 being flooded with approximately three feet of water for approximately five days. True and accurate copies of black and white aerials from the Mercer County Auditor's website of Mercer County Parcel Numbers 42-019700.0000 and 42-019800.0000 are attached hereto as Exhibits A and B. The shaded in area of each parcel depicts the area that was flooded in 2003.

10. Mercer County Parcel Numbers 42-019700.0000 and 42-019800.0000 also experienced severe flooding in 2005.

DON000587

11. Mercer County Parcel Numbers 42-019700.0000 and 42-019800.0000 was again flooded as recently as Spring 2009.

12. As a direct result of the flooding, Mercer County Parcel Numbers 42-019700.0000 and 42-019800.0000 have suffered damage in the form of loss of crops, bank erosion, the deposit of debris, and drainage tile failure.

13. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Numbers 42-019700.0000 and 42-019800.0000.

14. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a result of ODNR's replacement of the western spillway and ODNR's current management practices.

FURTHER AFFIANT SAYETH NAUGHT.

Carl W. Rose
Carl W. Rose

Sworn in my presence and subscribed before me this 25th day of August, 2009.

Kristi Kress Wilhelmy
Notary Public

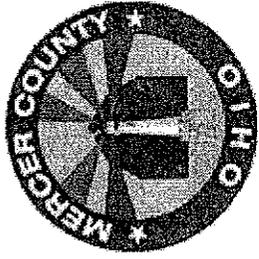
KRISTIKRESS WILHELMY
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 O.R.C.

DON000588

EXHIBIT A
TO
AFFIDAVIT OF CARL W. ROSE

DON000589

Mercer County Ohio



Legend

Administrative

- Townships
- Neighborhoods

Parcels

- Parcels

Transportation

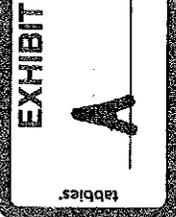
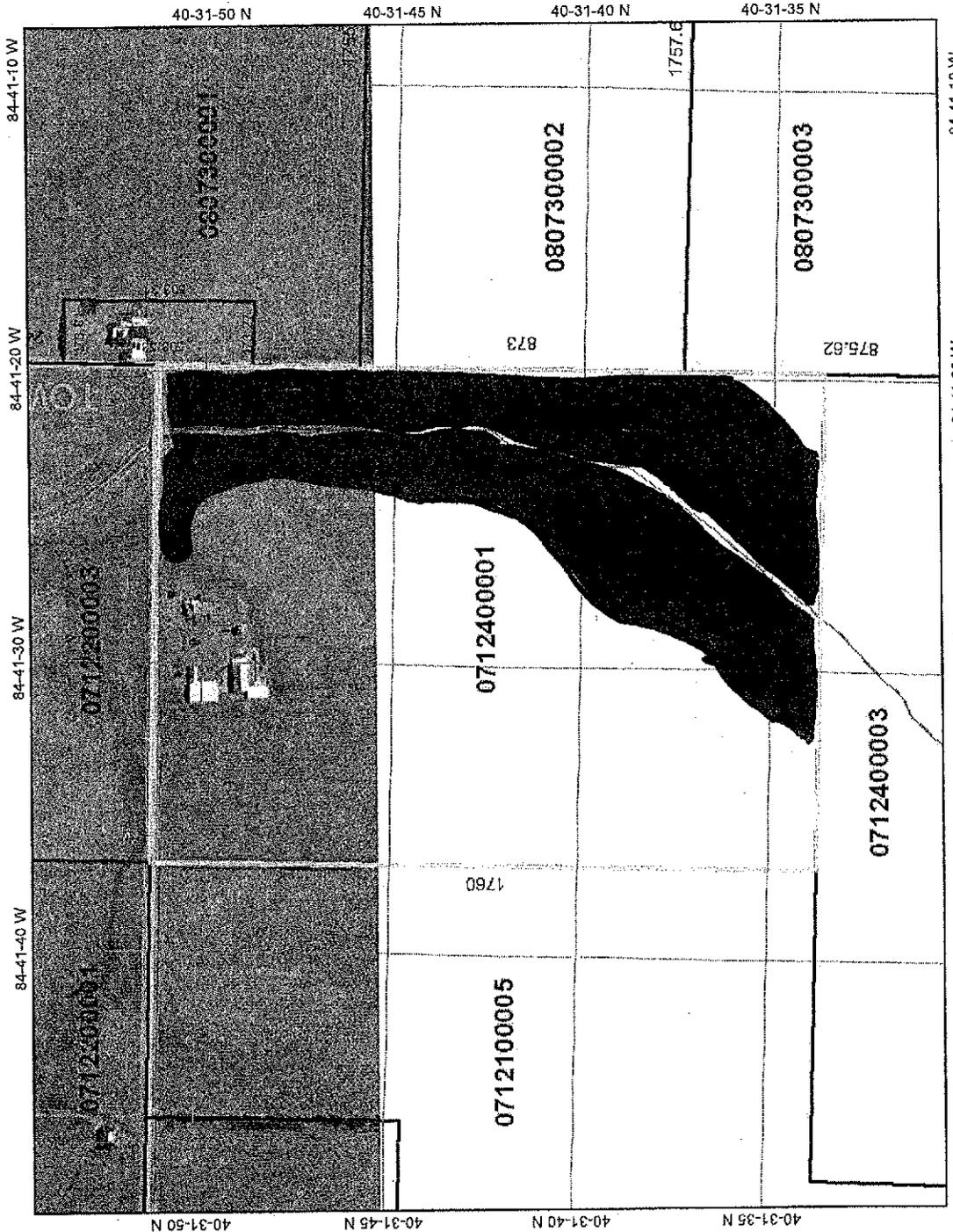
- State Highways
- US Highways

Water

- Lake
- Streams



Scale: 1:5,200



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Jerome L. Meyer and Amy L. Meyer
 2940 Pine Rd.
 Parcel No.: 42-019700.0000 -- 53.33 acres

065000090

EXHIBIT B
TO
AFFIDAVIT OF CARL W. ROSE

DON000591

Mercer County Ohio



Legend

Administrative

- Townships
- Neighborhoods

Parcels

- Parcels

Transportation

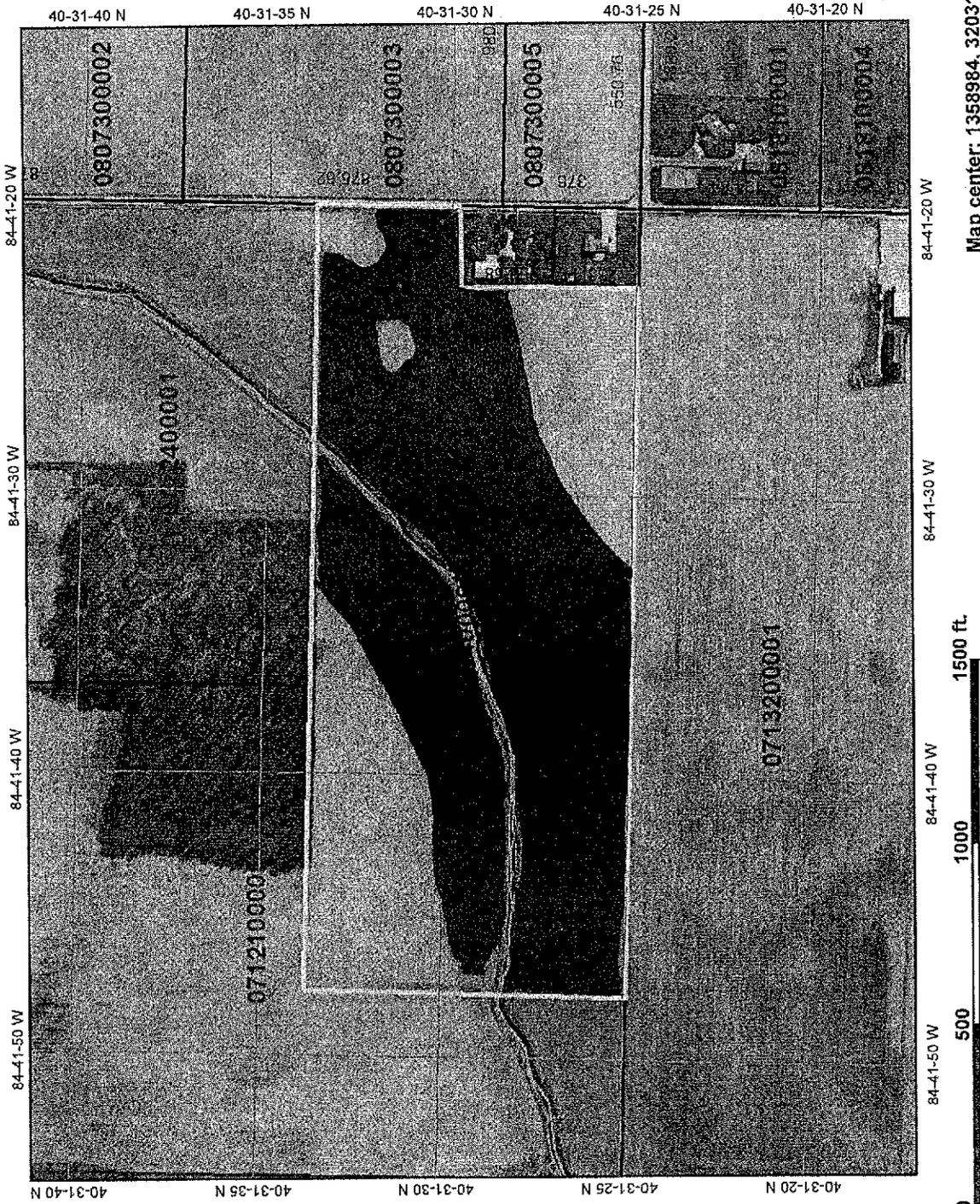
- State Highways
- US Highways

Water

- Lake
- Streams



Scale: 1:5,200



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Jerome L. Meyer and Amy L. Meyer
 -0- Township Line Rd.
 Parcel No.: 42-019800.0000 - 40.86 acres

EXHIBIT

B

tabbles

2690000N00592

6. Specifically, as a result of ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Number 42-018500.0000 has flooded approximately fifteen times, or at least once per year. On each occasion, Mercer County Parcel Number 42-018500.0000 was inundated with water at depths varying from six inches to three feet.

7. Since ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Number 42-018500.0000 floods more rapidly and remains flooded for longer periods of time. On each occasion of flooding, Mercer County Parcel Number 42-018500.0000 remained inundated with water for a period of two to five days.

8. Prior to ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Number 42-018500.0000 never flooded as frequently, never flooded over as large an area, and never flooded for as long.

9. To date, the most invasive flood occurred in 2003 with approximately 31 acres of Mercer County Parcel Number 42-018500.0000 being flooded with approximately three feet of water for approximately five days. A true and accurate copy of a black and white aerial from the Mercer County Auditor's website of Mercer County Parcel Number 42-018500.0000 is attached hereto as Exhibit A. I have shaded in the area of the parcel that was flooded in 2003.

10. Mercer County Parcel Number 42-018500.0000 also experienced severe flooding in 2005.

11. Mercer County Parcel Number 42-018500.0000 was again flooded as recently as Spring 2009.

DON000594

12. As a direct result of the flooding, Mercer County Parcel Number 42-018500.0000 has suffered damage in the form of loss of crops, bank erosion, the deposit of debris, and drainage tile failure.

13. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Number 42-018500.0000.

14. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a result of ODNR's replacement of the western spillway and ODNR's current management practices.

FURTHER AFFIANT SAYETH NAUGHT.


Lucile M. Rose

Sworn in my presence and subscribed before me this 25th day of August, 2009.


Notary Public

KRISTI KRESS WILHELMY
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 O.R.C.

DON000595

EXHIBIT A
TO
AFFIDAVIT OF LUCILE M. ROSE

DON000596

6. Specifically, as a result of ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 26-011900.0000, 26-030700.0200, 26-030700.0000, and 26-030700.0300 have flooded approximately fifteen times or approximately once per year. On each occasion, Mercer County Parcel Numbers 26-011900.0000, 26-030700.0200, 26-030700.0000, and 26-030700.0300 were inundated with water at depths varying from a few inches to four feet.

7. Since ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 26-011900.0000, 26-030700.0200, 26-030700.0000, and 26-030700.0300 flood more rapidly and remain flooded for longer periods of time. On each occasion of flooding, Mercer County Parcel Numbers 26-011900.0000, 26-030700.0200, 26-030700.0000, and 26-030700.0300 remained inundated with water for a period of three days to ten days.

8. Prior to ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 26-011900.0000, 26-030700.0200, 26-030700.0000, and 26-030700.0300 never flooded as frequently, never flooded over as large an area, and never flooded for as long.

9. To date, the most invasive flood occurred in 2003 with approximately 1.25 acres of Mercer County Parcel Number 26-011900.0000, 36.5 acres of Mercer County Parcel Number 26-030700.0200, 1 acre of Mercer County Parcel Number 26-030700.0000, and 0.75 acre of Mercer County Parcel Number 26-030700.0300 being flooded with approximately four feet of water for approximately ten days. True and accurate copies of black and white aerials from the Mercer County Auditor's website of Mercer County Parcel Numbers 26-011900.0000, 26-

DON000599

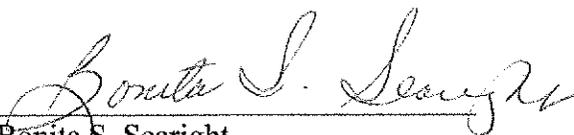
030700.0200, 26-030700.0000, and 26-030700.0300 are attached hereto as Exhibits A, B, C, and D. I have shaded in the area of each parcel that was flooded in 2003.

10. As a direct result of the flooding, Mercer County Parcel Numbers 26-011900.0000, 26-030700.0200, 26-030700.0000, and 26-030700.0300 have suffered damage in the form of loss of crops, field erosion, the deposit of debris, drainage tile failure, and soil compaction.

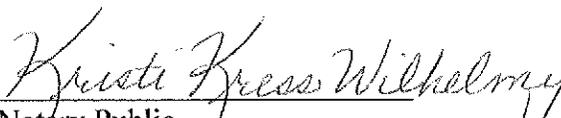
11. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Numbers 26-011900.0000, 26-030700.0200, 26-030700.0000, and 26-030700.0300.

12. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a result of ODNR's replacement of the western spillway and ODNR's current management practices.

FURTHER AFFIANT SAYETH NAUGHT.


Bonita S. Searight

Sworn in my presence and subscribed before me this 25th day of August, 2009.


Notary Public

KRISTI KRESS WILHELMY
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 O.R.C.

DON000600

EXHIBIT A
TO
AFFIDAVIT OF BONITA S. SEARIGHT

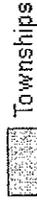
DON000601

Mercer County Ohio

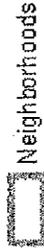


Legend

Administrative

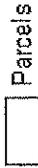


Townships



Neighborthoods

Parcels

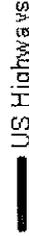


Parcels

Transportation



State Highways

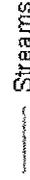


US Highways

Water



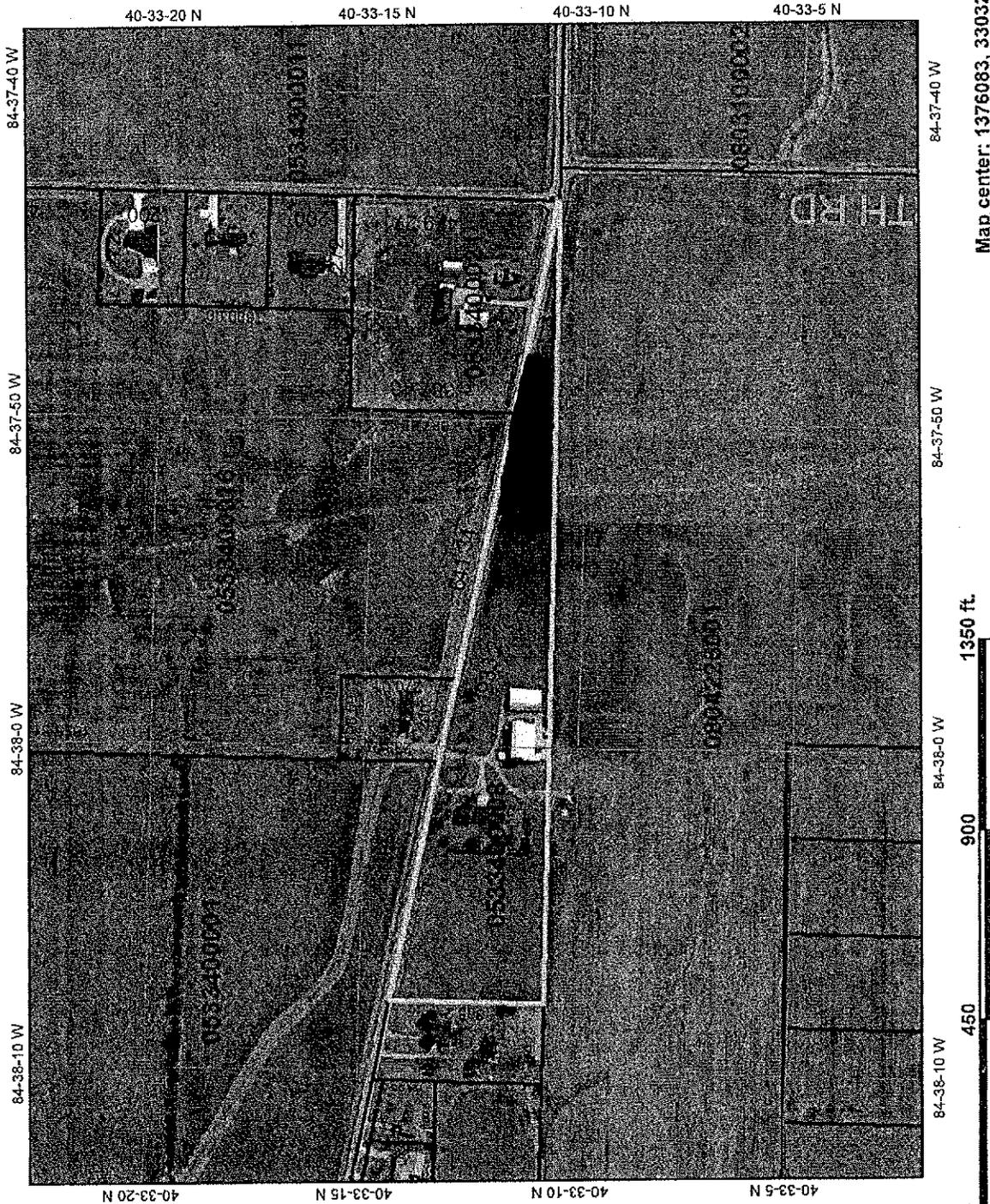
Lake



Streams



Scale: 1:4,500



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EXHIBIT

A

Robert E. Searight and Bonnie Searight
4358 Mud Pike
Parcel No.: 26-011900.0000 - 8.23 acres

DON000062

EXHIBIT B
TO
AFFIDAVIT OF BONITA S. SEARIGHT

DON000603

Mercer County Ohio

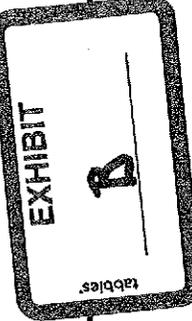
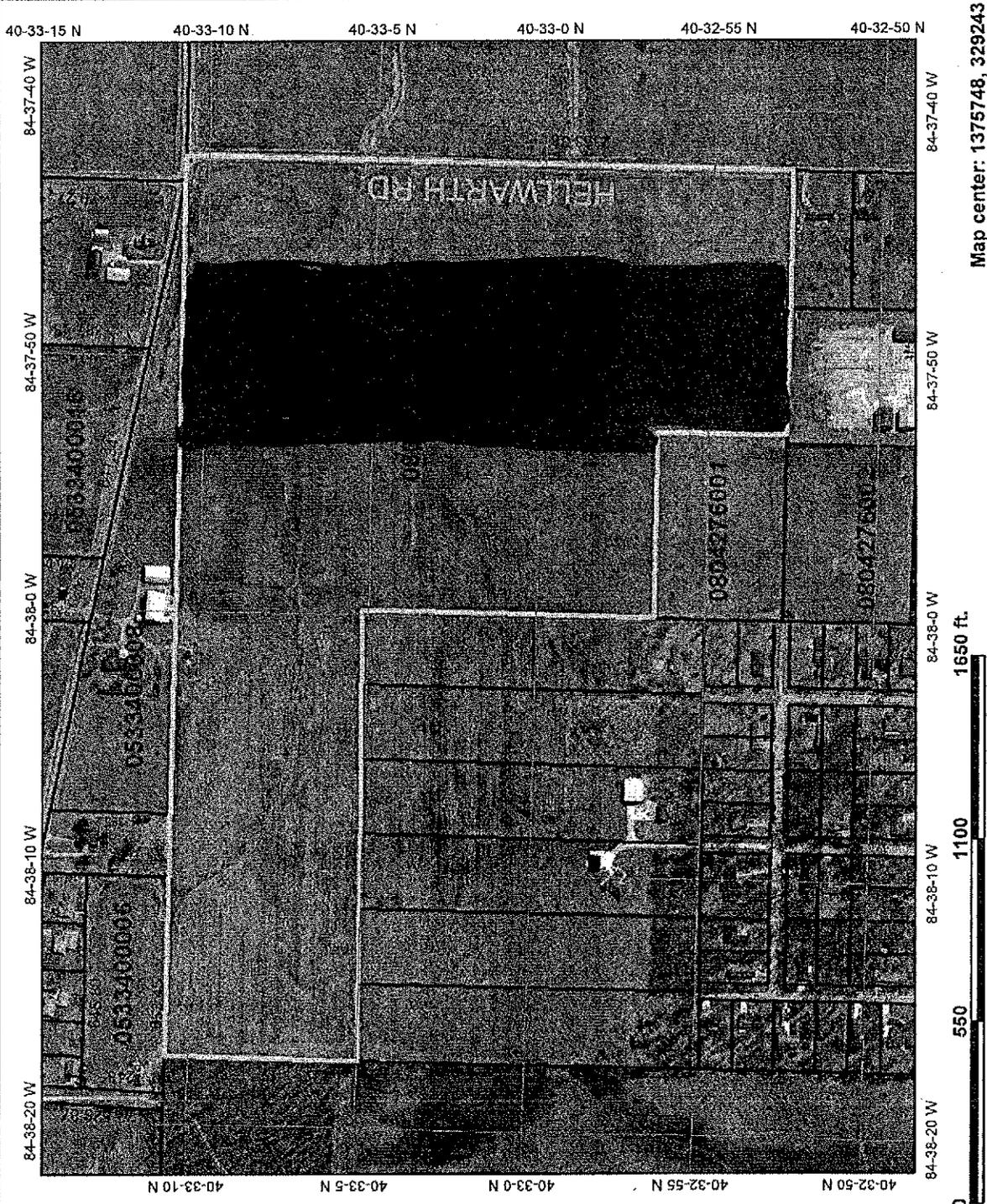


Legend

- Administrative**
 - Townships
 - Neighborhoods
- Parcels**
 - Parcels
- Transportation**
 - State Highways
 - US Highways
- Water**
 - Lake
 - Streams



Scale: 1:5,600



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Robert E. Searight, aka Robert Searight and Bonnie Searight
 -0- Hellwarth Rd.
 Parcel No.: 26-030700.0200 - 69.932 acres

EXHIBIT C
TO
AFFIDAVIT OF BONITA S. SEARIGHT

DON000605

Mercer County Ohio



Legend

Administrative

- Townships
- Neighborhoods

Parcels

- Parcels

Transportation

- State Highways
- US Highways

Water

- Lake
- Streams



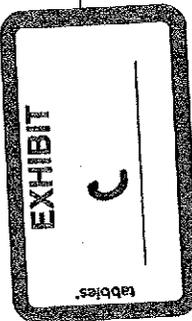
Scale: 1:3,000



Map center: 1375989, 328520

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Robert E. Searight and Bonita S. Searight, aka Bonnie S. Searight
 -0- Debra Ave.
 Parcel No.: 26-030700.0000 - 5.004 acres



DON000606

EXHIBIT D
TO
AFFIDAVIT OF BONITA S. SEARIGHT

DON000607

Mercer County Ohio

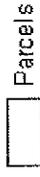


Legend

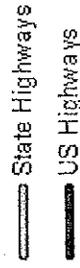
Administrative



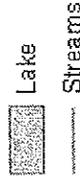
Parcels



Transportation



Water



Scale: 1:3,000



Map center: 1375965, 328134

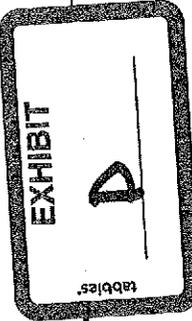


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Robert E. Searight and Bonita S. Searight, aka Bonnie S. Searight

-0- Merrill Ave.

Parcel No.: 26-030700.0300 - 4.761 acres



8090000602

6. Specifically, as a result of ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 26-011900.0000, 26-030700.0200, 26-030700.0000, and 26-030700.0300 have flooded approximately fifteen times or approximately once per year. On each occasion, Mercer County Parcel Numbers 26-011900.0000, 26-030700.0200, 26-030700.0000, and 26-030700.0300 were inundated with water at depths varying from a few inches to four feet.

7. Since ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 26-011900.0000, 26-030700.0200, 26-030700.0000, and 26-030700.0300 flood more rapidly and remain flooded for longer periods of time. On each occasion of flooding, Mercer County Parcel Numbers 26-011900.0000, 26-030700.0200, 26-030700.0000, and 26-030700.0300 remained inundated with water for a period of three days to ten days.

8. Prior to ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 26-011900.0000, 26-030700.0200, 26-030700.0000, and 26-030700.0300 never flooded as frequently, never flooded over as large an area, and never flooded for as long.

9. To date, the most invasive flood occurred in 2003 with approximately 1.25 acres of Mercer County Parcel Number 26-011900.0000, 36.5 acres of Mercer County Parcel Number 26-030700.0200, 1 acre of Mercer County Parcel Number 26-030700.0000, and 0.75 acre of Mercer County Parcel Number 26-030700.0300 being flooded with approximately four feet of water for approximately ten days. True and accurate copies of black and white aerials from the Mercer County Auditor's website of Mercer County Parcel Numbers 26-011900.0000, 26-

DON000610

030700.0200, 26-030700.0000, and 26-030700.0300 are attached hereto as Exhibits A, B, C, and D. I have shaded in the area of each parcel that was flooded in 2003.

10. As a direct result of the flooding, Mercer County Parcel Numbers 26-011900.0000, 26-030700.0200, 26-030700.0000, and 26-030700.0300 have suffered damage in the form of loss of crops, field erosion, the deposit of debris, drainage tile failure, and soil compaction.

11. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Numbers 26-011900.0000, 26-030700.0200, 26-030700.0000, and 26-030700.0300.

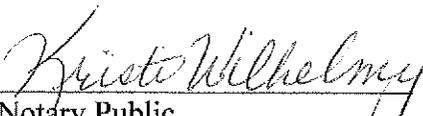
12. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a result of ODNR's replacement of the western spillway and ODNR's current management practices.

FURTHER AFFIANT SAYETH NAUGHT.



Robert E. Searight

Sworn in my presence and subscribed before me this 25th day of August, 2009.



Notary Public

**Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 O.R.C.**

DON000611

EXHIBIT A
TO
AFFIDAVIT OF ROBERT E. SEARIGHT

DON000612

Mercer County Ohio



Legend

Administrative

-  Townships
-  Neighborhoods

Parcels

-  Parcels

Transportation

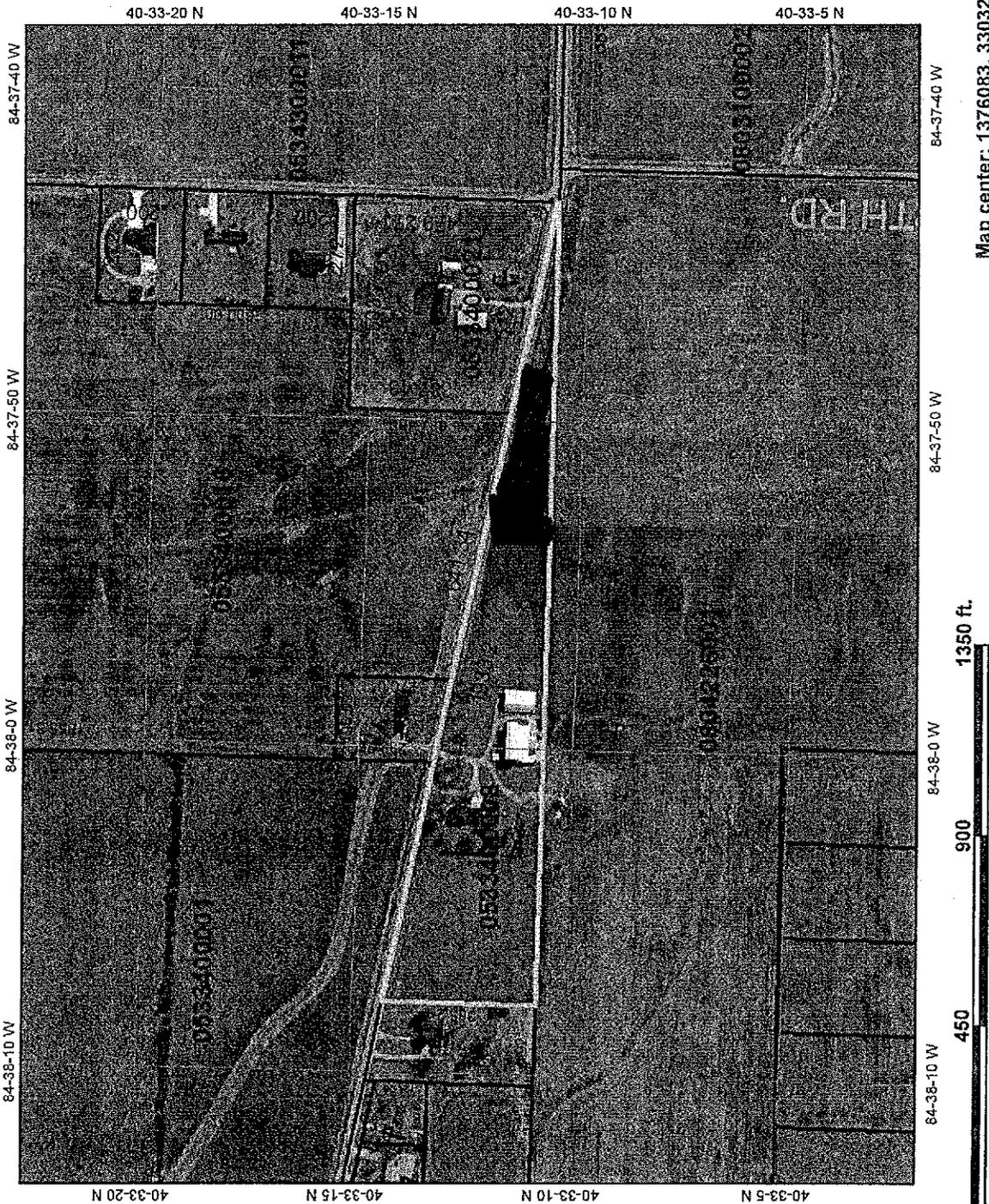
-  State Highways
-  US Highways

Water

-  Lake
-  Streams



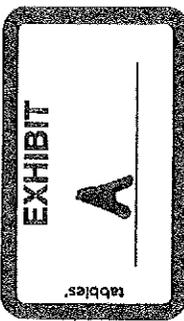
Scale: 1:4,500



Map center: 1376083, 330327

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Robert E. Searight and Bonnie Searight
4358 Mud Pike
Parcel No.: 26-011900.0000 - 8.23 acres



DON000613

EXHIBIT B
TO
AFFIDAVIT OF ROBERT E. SEARIGHT

DON000614

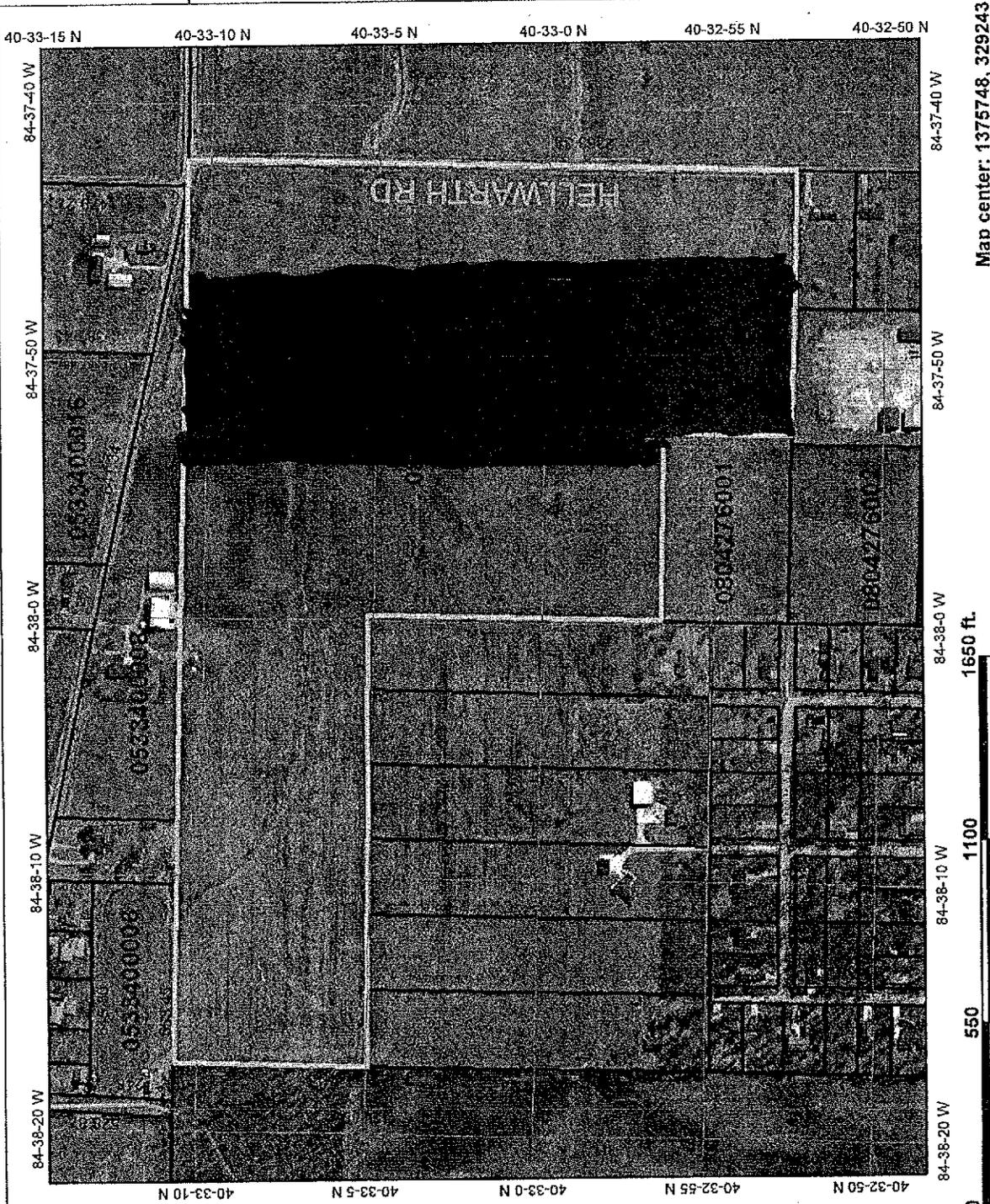
Mercer County Ohio



Legend

- Administrative**
 - Townships
 - Neighborhoods
- Parcels**
 - Parcels
- Transportation**
 - State Highways
 - US Highways
- Water**
 - Lake
 - Streams

Scale: 1:5,600



EXHIBIT

B

tabbles

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Robert E. Searight, aka Robert Searight and Bonnie Searight

0- Hellwarth Rd.

Parcel No.: 26-030700.0200 - 69.932 acres

DON000615

EXHIBIT C
TO
AFFIDAVIT OF ROBERT E. SEARIGHT

DON000616

Mercer County Ohio



Legend

Administrative

-  Townships
-  Neighborhoods

Parcels

- 

Transportation

-  State Highways
-  US Highways

Water

-  Lake
-  Streams

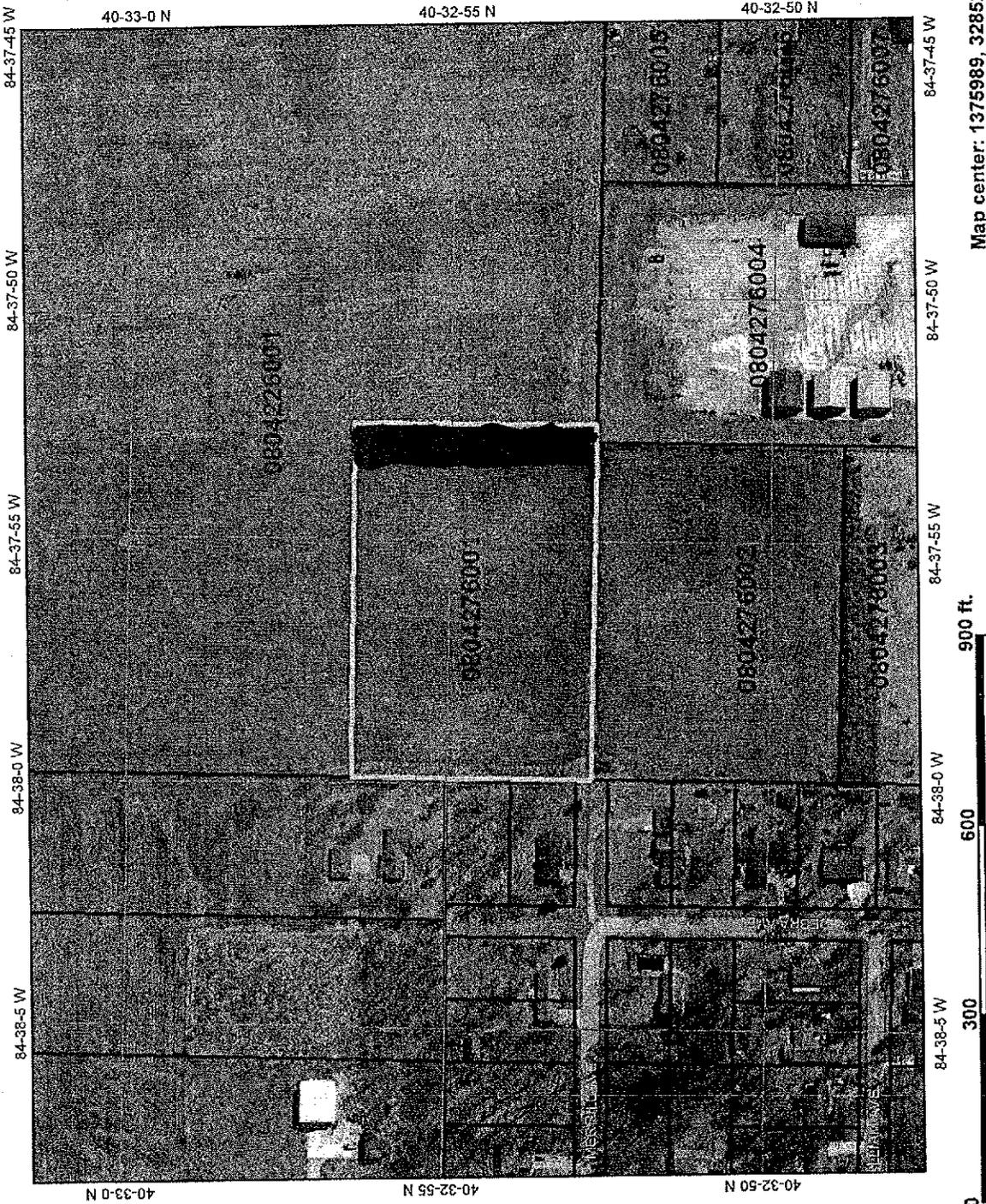


Scale: 1:3,000

EXHIBIT

C

Tables



900 ft.

600

300

0

Map center: 1375989, 328520

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Robert E. Searight and Bonita S. Searight, aka Bonnie S. Searight

-0- Debra Ave.

Parcel No.: 26-030700.0000 - 5.004 acres

7190000617 DON

EXHIBIT D
TO
AFFIDAVIT OF ROBERT E. SEARIGHT

DON000618

Mercer County Ohio



Legend

Administrative

- Townships
- Neighborhoods

Parcels

- Parcels

Transportation

- State Highways
- US Highways

Water

- Lake
- Streams

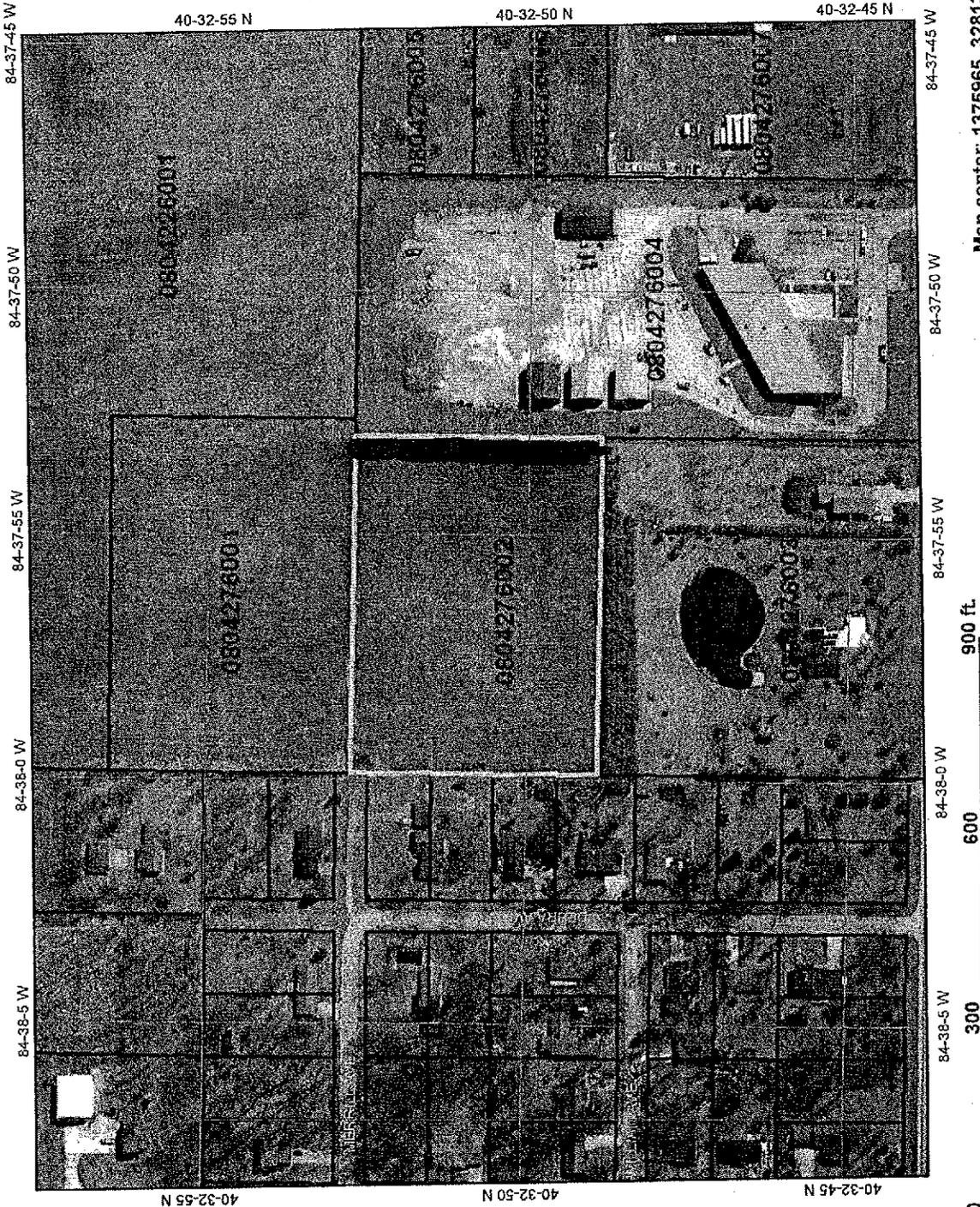


Scale: 1:3,000

EXHIBIT



tables



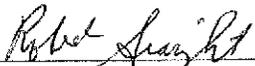
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Robert E. Searight and Bonita S. Searight, aka Bonnie S. Searight

-0- Merrill Ave.
 -0- 76-030700.0300 - 4.761 acres

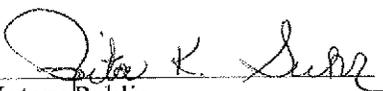
replacement of the western spillway of Grand Lake St. Mary's and its current management practices.

FURTHER AFFIANT SAYETH NAUGHT.



Robert E. Searight

Sworn to before me and subscribed in my presence this 27 day of January, 2010.

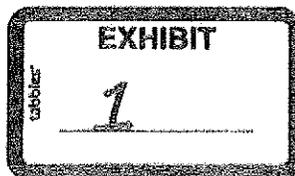
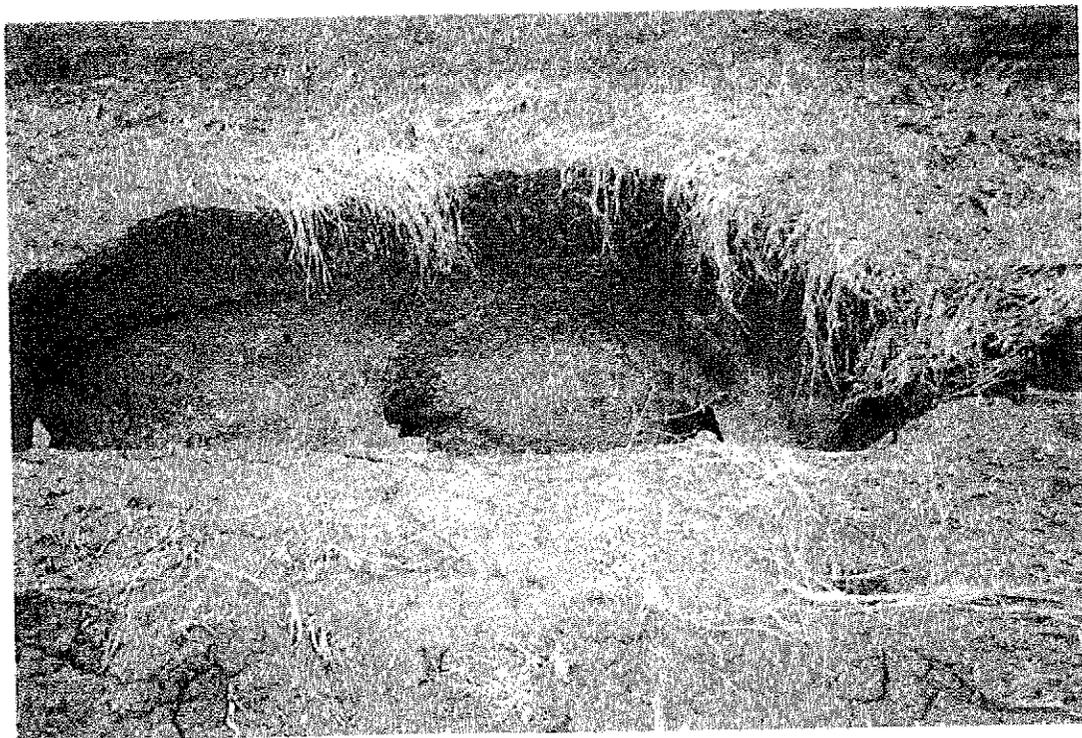


Notary Public

BITA K SUHR
Notary Public • State of Ohio
My Commission Expires May 13, 2011
Recorded in Mercer County

**EXHIBIT 1 TO SUPPLEMENTAL
AFFIDAVIT OF ROBERT E. SEARIGHT**

DON001997



DON001998



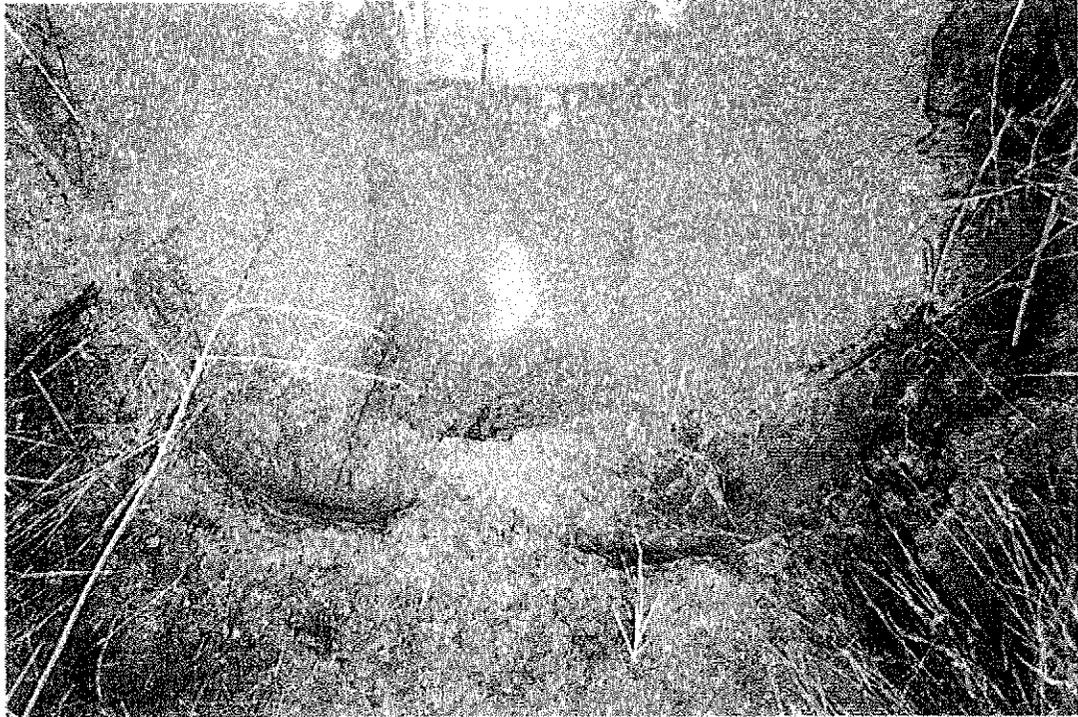
DON001999



DON002000



DON002001



DON002002



DON002003



DON002004



DON002005



DON002006