IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, et al. PLAINTIFFS

v. CASE NO.: 4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al. DEFENDANTS

AFFIDAVIT OF DANNY PARTAIN

I, Danny Partain, having been duly sworn, under oath, state that the following facts are true and correct to the best of my knowledge, information, and belief:

1. I am an individual over the age of eighteen (18) years. The facts set forth herein are based upon my personal knowledge. I would be willing and able to testify thereto if and when called upon to do so.

2. From 1988 until the present, I have been involved in the operation of poultry farms on the property which is the subject of Plaintiff's subpoena. From 1998 to 2004, I was an employee of Tyson Foods, Inc. involved in the operation of the company owned farms known as Complexes 1, 2, and 3 on the subject property. In February 21, 2004, I became an employee of Green Country Farms when Green County Farms agreed to lease the property from Tyson and to enter into a contract for the purpose of rearing poultry on that property for Tyson. Since February 21, 2004 I have continued to be involved in the management by Green Country Farms of the poultry rearing occurring on the property which is the subject of the subpoena.

3. I am unaware of the existence of any "waste applied" fields on the subject property as I understand the meaning of that term in Plaintiff's subpoena.

4. To the best of my knowledge, information, and recollection, poultry litter has not been applied to the subject property from 1988 to the present.

EXHIBIT
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5. From 1988 to the present, poultry litter generated from farms on the subject property has been removed from the property rather than being applied on the subject property.

Danny Partain
Danny Partain

STATE OF OKLAHOMA)
) ss.
COUNTY OF ADAIR)

SUBSCRIBED AND SWORN to before me, a notary public, on this 2nd day of May, 2006.

Tammy Littlejohn
NOTARY PUBLIC

My Commission Expires:
Dec. 16th, 2006

TAMMY LITTLEJOHN
NOTARY PUBLIC
02020402
EXP. 12/16/06
IN AND FOR
STATE OF OKLAHOMA
ADAIR COUNTY