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MAR 14 2008

DEPARTMENT OF
WATER RESOURCES

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Attorneys for Mace -Catlin Mutual Ditch Company, Inc.

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

In Re SRBA

Case No. 39576

)
) SUBCASE NOS. 63-134, 63-132, 63-133,
) 63-134A, 63-134B, 63-186A, 63-186B,
) 63-17205 and 63-31772
)
) AFFIDAVIT OF MEL CARLSON
) IN SUPPORT OF MOTION
) FOR SUMMARY JUDGMENT
)

STATE OF IDAHO)
) ss.
County of Ada)

Mel Carlson, being first duly sworn upon his oath, deposes and says that:

1. That I am a board member and current president for Mace-Catlin Mutual Ditch Company (hereinafter "Mace-Catlin"), in this matter and make this Affidavit based upon my personal knowledge and am competent to testify to the matters contained herein.

2. I have been a shareholder and a board member of Mace-Catlin since the 1980s. I am familiar with and I have reviewed the books and records of Mace-Catlin from 1965 to present.

3. To the best of my knowledge, the State of Idaho (hereinafter "State") has owned 340 shares of Mace-Catlin stock and has been a shareholder since 1960. In reviewing the records and books of Mace-Catlin, to the best of my knowledge, the State has paid the assessments of Mace-

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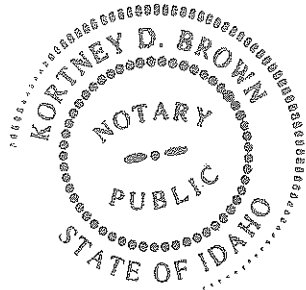
Catlin each and every year the State has been a shareholder. I am not aware of any delinquent assessments of the State, nor any claim by the State that it did not owe the assessments. In particular, the State has paid the assessments of Mace-Catlin since the time I have been a board member to present.

4. In or about 1989, Mace-Catlin filed a Notice of Claim to Water Right for water right nos. 63-132 and 63-133. I am not aware of the State providing any objection or notice that Mace-Catlin should not file the Notice of Claim to said water right. Mace-Catlin has an annual meeting every year, including 1989, and to the best of my knowledge the State has never asserted outright ownership of water right nos. 63-132 or 63-133 or any portion of those water rights at any annual meeting and there is nothing in the records or minutes of Mace-Catlin in which the State asserts outright ownership of water right nos. 63-132 and 63-133. The first time Mace-Catlin was made aware that the State objected to the ownership of water right nos. 63-132 and 63-133 was in 2006 when the State filed an objection to those water right claims in the SRBA.

DATED this ___ day of March, 2008.

By Melan Alarba
Mel Carlson

Sworn to and subscribed before me this 13th day of March, 2008.



Kortney Brown
Notary Public for Idaho
Residing in Boise, Idaho
My Commission Expires: 2/4/14

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of March, 2008, I served a true and correct copy of the foregoing document by U.S. mail, postage pre-paid to the following:

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Environment and Natural Resource Div.
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Boise, Idaho 83724

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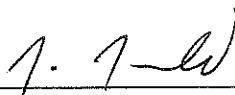
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Jon C. Gould