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 Speck & Aanestad, A Professional Corporation
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 Attorneys for Claimants, Mary Ellen Drashner and Kathryn Allred Gardner

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 15 2008	
By _____	Clerk Deputy Clerk

**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	)	
	)	Subcase No. 37-4375
Case No. 39576	)	
	)	AFFIDAVIT OF JOHN MCDONALD
	)	
	)	
_____	)	

STATE OF IDAHO)
 :SS
 County of Blaine)

JOHN MCDONALD, being first duly sworn upon his oath, declares as follows:

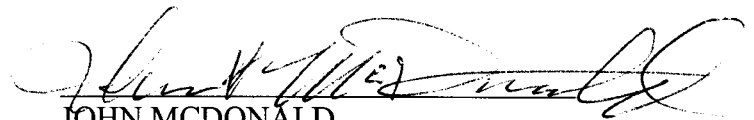
1. I am now and have been since 1969 a resident of Blaine County, Idaho. I am now and have been since 1973, the Postmaster for the Ketchum Post Office.

2. When I moved here in 1969 I lived approximately one-half (½) mile south of the property now occupied by St. Luke's Wood River Medical Center. The property was then owned by Kathryn Gardner and Mary Ellen Drashner and I knew their parents, Howard and Mary Allred. With their permission I would frequently ride my horses through their property and up Cold Springs Canyon.

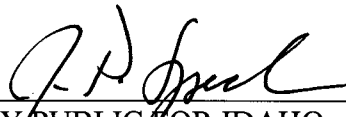
3. Attached as Exhibit A is a copy of a June 15, 1971 aerial photograph of this and adjacent lands obtained from the Idaho Transportation Department. I recall the large pond shown in and marked on the photograph and observed that most of the area below the toe of the hill, north of what is now Highway 75 and west of the Union Pacific Railroad right of way was flood irrigated for pasture. The pasture was used by the many bands of sheep that came north through the valley in the spring and returned south in the fall. I never observed any of the spring water run off of this property and believe it was prevented from doing so by the elevated railroad right of way and the highway.

4. I make these statements in this affidavit based upon my own personal knowledge and observations.

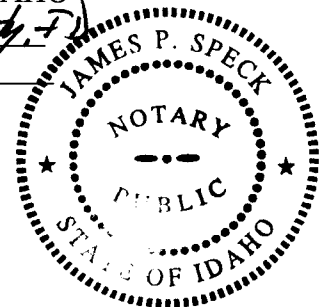
DATED this 14 day of October, 2008.


JOHN MCDONALD

SUBSCRIBED AND SWORN TO before me this 14 day of October, 2008.



NOTARY PUBLIC FOR IDAHO
Residing at: Blaine County, ID
Comm. Expires: 1/29/09



CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of October, 2008, I served a true and correct copy of the within and foregoing document upon the attorney named below in the manner noted:

Albert P. Barker
Shelley M. Davis
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139
*Attorneys for Tom O'Gara, John Stevenson, Bill
Molyneux, Pete Van Der Meulen, Grace Eakin,
Gerald Bashaw and Pepin Corso-Harris*

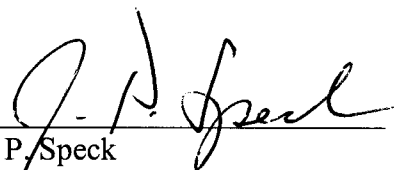
- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

Craig Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330
Attorneys for Big Wood Canal Company

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James P. Speck



EXHIBIT A