

RECEIVED
MAR 01 2010
DEPARTMENT OF
WATER RESOURCES

4. I bought the land associated with water right 37-2543 from Colleen Egersdorf on December 15, 2009.

5. I do not know why the previous owners did not file a claim for this water right in the SRBA. I also do not know why the previous owners did not resume use of this water right. However, if this motion is granted, I intend to maintain the water right for use on the property.

6. Currently, the land is unproductive due to lack of care. There are many weeds, with some pasture grasses remaining from previous owners' use. In order to get the land back into productivity, I intend to plow and till, then plant grain this season. There will be a lot of work involved with getting this land back to productivity. The grain will help fight the weeds and next season the land will be better and I will be able to put this ground into my normal crop rotation.

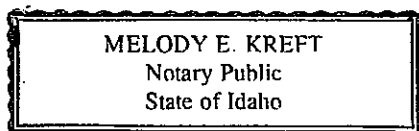
7. Irrigation water will greatly help with the revitalization of this land.

8. As to the water right, I intend to install a diesel pump on the well. I will connect a mainline and two or three wheel lines and will be able to use this water during the 2010 irrigation season. This will be done as soon as weather permits – hopefully by the end of April.

FURTHER YOUR AFFIANT SAYETH NAUGHT

David A Simon
David A. Simon

SUBSCRIBED & SWORN to before me this 24 day of February, 2010.



Melody E Kreft
Notary Public in and for the State of Idaho
My Commission Expires: 2/8/13

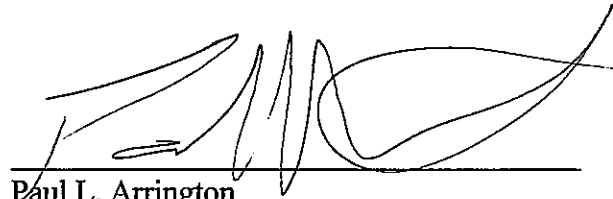
CERTIFICATE OF SERVICE

I certify that on this 26th day of February, 2010, I served a copy of the foregoing **AFFIDAVIT OF DAVID A. SIMON**, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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Paul L. Arrington