

RECEIVED 6-18

JUN 18 2010

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

DEPARTMENT OF
RESOURCES

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576Went. Number: 63-33392

Date Received: _____

Receipt No: _____

Received By: _____

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) MASON CREEK DITCH CO. Phone (208) 208-459-0428Mailing Address C/O Richard Bicandi, 1905 Mason, Caldwell, ID ZIP 83605
Street or Box City State2. Date of Priority (Only one (1) per claim) 6/1/1869
Month Day Year (YYYY)3. Source of water supply (Check one) Ground Water () or Other (X) (a) Wastewater/Five Mile Creek/Drainwhich is tributary to (b) Boise River4. a. Location of Point of Diversion is: Township 04N, Range 02W, Section 16
SW ¼ of SW, ¼ Govt. Lot _____, BM., County of Canyon

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, ¼ of _____, ¼

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, ¼ of _____, ¼

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

Diversion dam in Five Mile Creek/Drain. Five Mile is also shown on some maps of this area alternatively as Fifteen Mile or Ten Mile Creek/Drain.

6. Water is claimed for the following purposes:

For Irrigation purposes from 3/15 to 11/15 amount 17 (cfs) or 17 (acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 17 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

9. Description of place of use: same as 63-179C and 63-32580

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

SEE ATTACHED EXHIBIT "A" SHOWING ENTIRE PLACE OF USE

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Parcel (PIN) no(s). _____ Total number of acres irrigated 1937

10. In which county (ies) are lands listed above as place of use located? CANYON

11. Do you own the property listed above as place of use? Yes () No (X) If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
63-179C; 63-32580 or None ()

13. Remarks: This claim is based upon historical use.

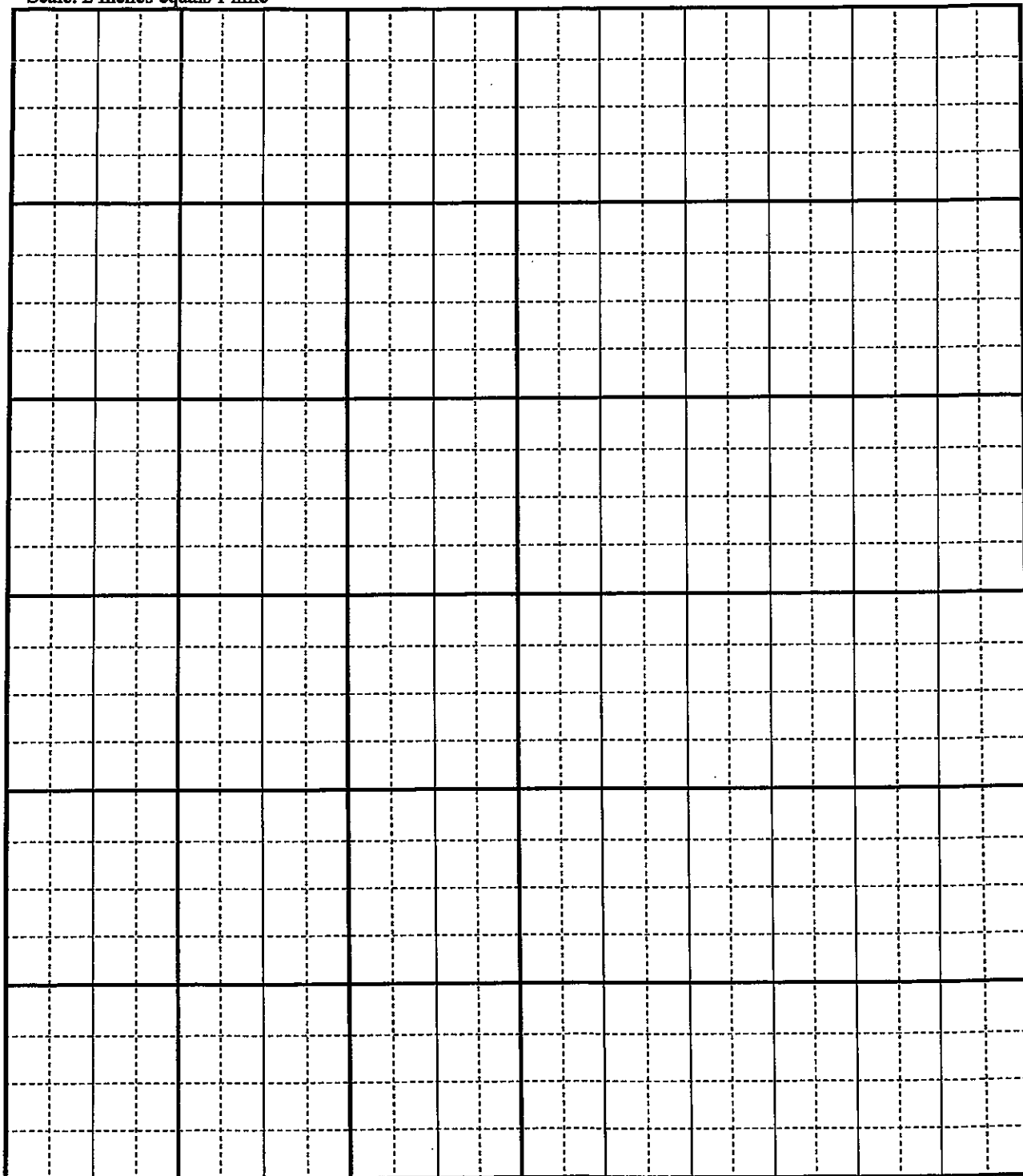
Mason Creek Ditch Company is a delivery entity which holds the water for delivery to its Shareholders who own the land described as the Place of Use. U.S. v. Pioneer Irrigation District

Last Name _____ Identification No. _____

The Boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. § 42-202B(2) and authorized pursuant to I.C. § 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources.

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 Inches equals 1 mile



14. Basis of Claim (Check One) Beneficial Use (X) Posted Notice () License () Permit () Decree

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Snake River Basin Adjudication." (b.) I/We do () do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____
_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am
a Director _____ of _____ Mason Creek Ditch Company _____,
Title Organization

that I have signed the foregoing document in the space below as

Director _____ of _____ Mason Creek Ditch Company _____,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Martin Galvin Date 6-17-10

Title and Organization Director, Mason Creek Ditch Company

16. Notice of Appearance:

Notice is hereby given that I, Albert P. Barker, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature] Date 6-17-10
Address 1010 W. Jefferson Street, Suite 102
Boise, Idaho 83702

BOISE RIVER NENENE Sec. 24 Township 04N Range 02W CANYON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	A
04N	02W	7		SWSE	10		SESE	11						
				SWSW	9									
				SWNE	40									
		17		NENW	40		NWNW	40		SWNW	40		SENW	4
				NESW	40		NWSW	40		SWSW	40		SESW	4
				NWSE	40		SWSE	40		SESE	40			
				NENE	40		NWNE	40		SWNE	40		SENE	4
				NENW	37		NWNW	30		SWNW	40		SENW	4
				NWSW	40		SWSW	40						
				NESE	13									
		19		NENE	40		NWNE	40						
				NENW	40		NWNW	40						
	03W	11		SWSE	22		SESE	21						
				SESE	12									
				NENE	40		NWNE	26		SWNE	25		SENE	4
		13		NENW	26		NWNW	25		SWNW	26		SENW	2
				NESW	26		NWSW	25		SWSW	40		SESW	2
				NESE	40		NWSE	25		SWSE	25		SESE	3
				NENE	22		NWNE	22		SWNE	22		SENE	2
				NENW	40		NWNW	40		SWNW	20		SENW	4
		14		NESW	29		SESW	16						
				NESE	22		NWSE	21						
				NENE	20									
		24												

Total Acres: 1937

Conditions of Approval:

1. THIS RIGHT IN CALDWELL HIGH LINE CANAL.

Dates:
Licensed Date:

EXHIBIT A