

RECEIVED

JUN 18 2010

DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

63-33392

STATE OF IDAHO)

)ss.

AFFIDAVIT OF MARTIN GALVIN

County of Ada)

MARTIN GALVIN, being first duly sworn upon oath, deposes and states as follows:

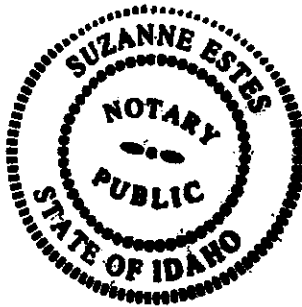
1. I am a Director of Mason Creek Ditch Company, (hereinafter "the Company"). In connection with the preparation and verification of water right claims filed in the Snake River Basin Adjudication for water use by the Company, the Company's board of directors and I have undertaken a review of the status of the water rights held by the Company.
2. In that regard, I am familiar with, and have conducted a review of, the records of the Company relating to the water rights the Company has historically used from irrigation run-off that drains from various canals.
3. This review has revealed that the Company failed to claim a water right on Five Mile Creek/Drain, a diversion of approximately 17 cfs, historically used on the Company's place of use.
5. My review of the Company's records further reveals that the Company has diverted this additional 17 cfs, and that all of the water has been beneficially used for irrigation purposes, since the date of June 1, 1869. I am personally familiar with this diversion as I own and farm land in the vicinity with water from this diversion.
6. I have reviewed the attached SRBA beneficial use claim for an additional 17 cfs of water with a priority date of June 1, 1869, and believe that said claim accurately reflects this historical water usage previously unclaimed by the Company.

FURTHER YOUR AFFIANT SAYETH NAUGHT

DATED: 6-17-10

Martin Galvin
Martin Galvin

SUBSCRIBED AND SWORN to before me this 17th day of June, 2010.



Suzanne Estes
NOTARY PUBLIC FOR IDAHO
Residing at: Boise Idaho
My commission expires: June 1, 2012