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SEP 22 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 21 2010

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: 63-33392

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On June 18, 2010, Mason Creek Ditch Company, by and through counsel, Albert P. Barker, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on September 21, 2010. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated: September 21, 2010.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on September 21, 2010, with sufficient first-class postage to the following:

MASON CREEK DITCH CO

Represented by:

ALBERT P BARKER

1010 W JEFFERSON, STE 102

PO BOX 2139

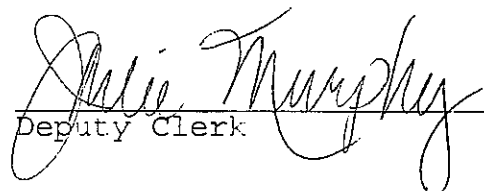
BOISE, ID 83701-2139

Phone: 208-336-0700

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 18 2010

By _____

[Signature]
Clerk
Deputy Clerk

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

CIVIL CASE NUMBER: 39576

Went. Number: 63-33392

Date Received: 9/22/2010

Receipt No: 0091744

Received By: SRP

Please type or print clearly

1. Name of Claimant (s) MASON CREEK DITCH CO. Phone (208) 208-459-0428

Mailing Address C/O Richard Bicandi, 1905 Mason, Caldwell, ID ZIP 83605
Street or Box City State

2. 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/Drain

which is tributary to (b) Boise River

4. 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 _____

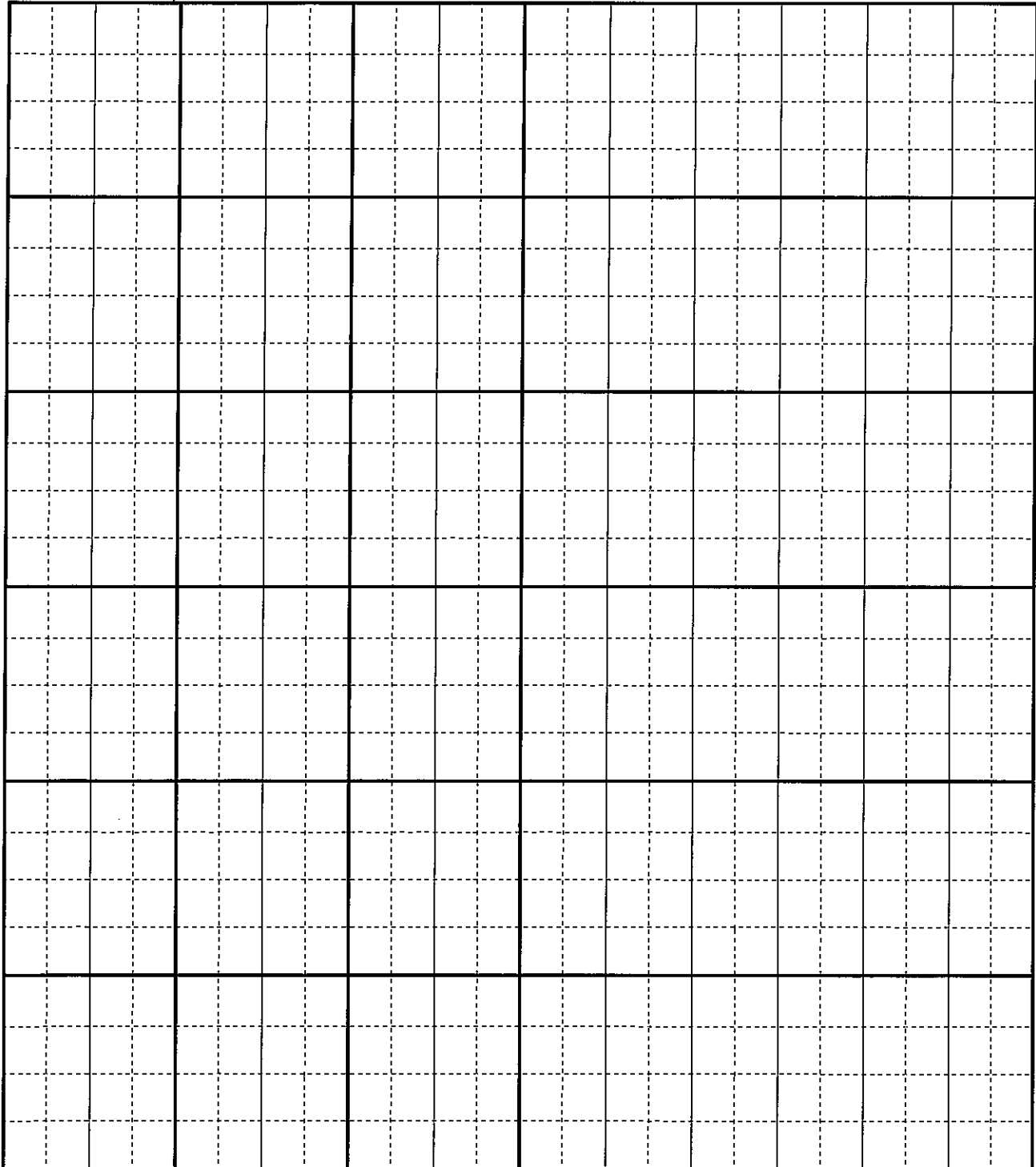
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

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.

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
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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									
				NENW	40		NWNW	40		SWNW	40		SENE	4
				NESW	40		NWSW	40		SWSW	40		SESW	4
				NWSE	40		SWSE	40		SESE	40			
		18		NENE	40		NWNE	40		SWNE	40		SENE	4
				NENW	37		NWNW	30		SWNW	40		SENE	4
				NWSW	40		SWSW	40						
				NESE	13									
				NENE	40		NWNE	40						
				NENW	40		NWNW	40						
	03W	11		SWSE	22		SESE	21						
				SESE	12									
				NENE	40		NWNE	26		SWNE	25		SENE	4
				NENW	26		NWNW	25		SWNW	26		SENE	2
				NESW	26		NWSW	25		SWSW	40		SESW	2
				NESE	40		NWSE	25		SWSE	25		SESE	3
		14		NENE	22		NWNE	22		SWNE	22		SENE	2
				NENW	40		NWNW	40		SWNW	20		SENE	4
				NESW	29		SESW	16						
				NESE	22		NWSE	21						
				NENE	20									

Total Acres: 1937

Conditions of Approval:

1. THIS RIGHT IN CALDWELL HIGH LINE CANAL.
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Dates:

Licensed Date:

EXHIBIT A