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SEP 29 2010

DEPARTMENT OF
WATER RESOURCES

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Shelley M. Davis, ISB #6788
Sarah W. Higer, ISB #8012
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Attorneys for Mason Creek Ditch Company

**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

Case No. 39576

)
) SUBCASE NOS.: 63-00166A, 63-00166B,
) 63-00167A, 63-00167B, 63-00179A,
) 63-00179C, and 63-32580
)
) **AFFIDAVIT OF ALBERT P. BARKER IN**
) **SUPPORT OF MASON CREEK'S**
) **MEMORANDUM IN OPPOSITION TO**
) **PIONEER'S MOTION FOR PARTIAL**
) **SUMMARY JUDGMENT AND MOTION**
) **TO REMAND**

ALBERT P. BARKER, being first duly sworn upon oath, deposes and states as follows:

1. I am an attorney in the firm Barker Rosholt & Simpson LLP providing legal representation to the Mason Creek Ditch Company in the above captioned matter. I am over the age of 18 and have knowledge of the documents and legal proceedings pertinent to this matter, and I make this affidavit based upon personal knowledge.

AFFIDAVIT OF ALBERT P. BARKER IN SUPPORT OF MASON CREEK'S
MEMORANDUM IN OPPOSITION TO PIONEER'S MOTION FOR PARTIAL
SUMMARY JUDGMENT AND MOTION TO REMAND

2. Attached hereto as Exhibit A is a true and correct copy of a letter from the Secretary of Pioneer Irrigation District dated July 3, 1928 obtained from the Boise River Water Master files.

3. Attached hereto as Exhibit B is a true and correct copy of a document produced by Pioneer Irrigation District (No. PID000097) dated May 9, 1938 produced by Pioneer in discovery and filed with Pioneer's objections.

4. Attached hereto as Exhibit C is a true and correct copy of the Idaho Department of Water Resources Transfer File No. 29 from IDWR files.

5. Attached here to as Exhibit D is a true and correct copy of the Application for Permit No. 63-2276 from IDWR files.

DATED this 28th day of September, 2010.

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in dark ink, appearing to read "Albert P. Barker", is written over a horizontal line.

Albert P. Barker

Attorney for Mason Creek Ditch Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of September, 2010, I caused to be served a true and correct copy of the foregoing **AFFIDAVIT OF ALBERT P. BARKER IN SUPPORT OF MASON CREEK'S MEMORANDUM IN OPPOSITION TO PIONEER'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND MOTION TO REMAND** by the method indicated below, and addressed to each of the following:

Original hand delivered to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707
Fax No. 208-736-2121

Copy mailed to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

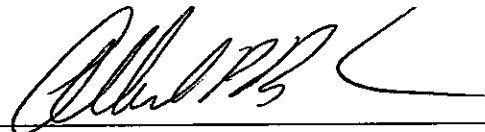
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resc Division
550 West Fort Street, MSC 033
Boise, ID 83724

Copy faxed to:

Jon C. Gould
Daniel V. Steenson
Ringert Law
P. O. Box 2773
Boise, ID 83701-2773
Attorneys for Franklin Ditch Company

Scott L. Campbell
Andrew J. Waldera
Moffatt Thomas, et al.
P. O. Box 829
Boise, ID 83701-0829
Attorneys for Pioneer Irrigation District



Albert P. Barker

EXHIBIT “A”

OFFICE OF
PIONEER IRRIGATION DISTRICT
CANYON AND ADA COUNTIES, IDAHO

CALDWELL, IDAHO. July 3, 1928.

Mr William Welch,
Watermaster, Boise River,
Boise, Idaho.

WATER DISTRICT 12A

File No. 1611

Dear Sir,-

As you are aware the water decreed to this District and drawn at the Phyllis Canal is insufficient to provide a sufficient head for proper irrigation of the lands under that canal.

As you are also aware this District is under contract to carry thru its Caldwell Canal the water decreed to the Franklin Ditch Co under decrees Nos 34 and 77, and to the Mason Creek Ditch Co under decree No 46, amounting to 4010 inches.

Owing to the fact that a large amount of water is frequently supplied to these ditches by this District which is developed by drain ditches within the District there are times when all of the water is not needed by these ditch companies.

In view of these facts I am asked by our Board of Directors to request that if it is possible for you to do so you make temporary transfer to the Phyllis Canal of such surplus water of these rights mentioned when it is not needed by these companies.

Very truly yours,

Fred L. Evans
Secretary.

EXHIBIT “B”

FIVE MILE--MASON CREEK--HIGHLINE

May 9, 1958

Years ago, when Pioneer Irrigation District took over the Mason Creek Ditch Company and Franklin Ditch Company, it enlarged the ditch those companies had been using and called it the Canaveh Highline. In return for rights-of-way of Franklin Ditch Company and Mason Creek Ditch Company, P.I.D. agreed to carry their decreed water from the river through the Highline ditch which P.I.D. had enlarged and make no assessments against the lands of those two ditch companies. Turner thinks there is a contract covering this. The Highline probably had no water until P.I.D. made this trace with the Franklin and Mason Creek Companies.

The Highline picks up Five Mile Drain water at a point about one mile South and East of the Franklin school, and picks up the Mason Creek Drain water at a point approximately two miles West of where the Five Mile water is picked up. P.I.D.'s contract with Canyonville Irrigation District covers this Mason Creek pickup.

Pioneer dries Five Mile Drain, dumps water into the Highline, and when there is not sufficient water below for the Franklin and Mason Creek rights, P.I.D. diverts over its canal sufficient water to supply the shortage.

These Franklin and Mason Creek rights comprise about 750 to 800 acres.

Mason Creek Ditch Company picks up the water diverted over the Highline at a point about 1 1/2 miles below the point where Highline crosses Five Mile Drain.

The Mason Creek Company and Mrs. J. P. Wells use the same diversion structure.

As to Highline water, P.I.D. has nothing decreed in its name. Its Highline water is decreed as follows:

To Franklin Ditch Company (Rights Nos. 34 and 77).

To Mason Creek Ditch Company (Right No. 46).

EXHIBIT “C”

Form No. 121

2000044171 - 12128 - 1004101

STATE OF IDAHO.

County of Ada

SS.

P/D. TFR # 21,8/26/1918
For 50 inches 63-0179
To CW Co. Wm. Co., LTD
Priority 6/1/1969

63-0000 B

POOR ORIGINAL

A. F. Hughes

being first duly sworn, upon his

oath deposes and says:

That he is the owner of a decreed water right appurtenant to the following described land to-wit:

All of that part of lot 6, Sec. 14 T. 4 N. R. 2 W. B. M. which lie
North of the center of the present channel of Boise River, 50 feet
as evidenced by the decree dated January 18, 1906 day of

in the cause entitled Farmers Cooperative Ditch Co. Plaintiff.

vs. Riverside Irrigation District, Ltd. Defendant, brought

in the district court of the Seventh Judicial District of the State of Idaho, or

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho

No. _____

That he intends to change the point of diversion, as described in said decree or permit, to the following
point: Headings of Canyon County Canal whose point of
diversion from the Boise River is 67.50 chains South of
the NE corner of Sec. 18 T. 4 N. R. 1 E. B. M.

That such change will be made for the following reasons, to-wit: This land was
formerly watered from the Caldwell High Line Canal on the
South side of Boise River but the channel of the
Boise River having changed this land lies north
of the Boise River and has to be watered from
the Canyon County Canal, said Canal diverting
water from the North bank of Boise River.

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

MICROFILMED

JUL 25 1998

A. F. Hughes

Subscribed and sworn to before me this 28th day of August, 1918

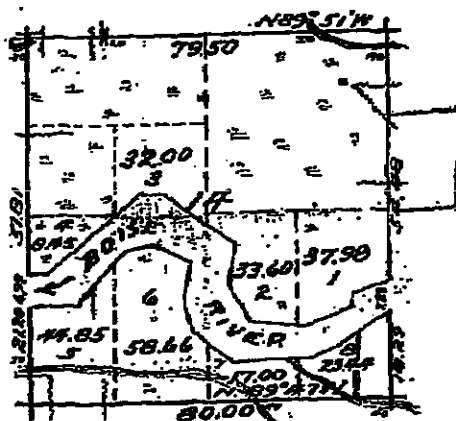
Flora M. Brown

Notary Public

F.I. Maxwell
2030.5.
#713-N-13th

TFR. #29, 8/26/1918
63-0179

Sec. 14
T. 4 N., R. 2 W.



MICROFILMED

JUL 25 1994

EXHIBIT “D”

No. 16861.

APPLICATION FOR PERMIT 13-2276

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

1. Name of applicant: Pioneer Irrigation District

Postoffice address: Caldwell

County: Canyon

State: Idaho

I. If applicant is a corporation, give

(a) Date and place of incorporation: -

(An irrigation district, organized under the irrigation district laws of the State of Idaho, on July 8th, 1901.

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors: L. C. Greenslet, Nampa, Idaho, W.A. Shupe

and A. G. Street, Caldwell, Idaho.

(United States of America has agreed by contract to expend \$350,000 in constructing drainage ditch within said District, which will develop and accumulate said water and the amount so expended to be paid back, 2% each year for 1st 4 years;

II. The financial resources of the applicant are:

(a) Cash on hand: 4% each year for next 2

(b) Treasury stock:

(c) Bonds to be issued: years and 6% each year for next 14 years.

(d) Other resources: (See remarks)

2. The quantity of water claimed is

85

cubic feet per second.

(Mason Creek Drainage System (See blue print marked Exhibit "A")

3. Source of water supply: -

(Drains into Mason Creek, a tributary to Boise River. A portion by pumping at intersection of Caldwell Highline Canal & Drainage Ditch

4. Location of point of diversion: in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 29, Twp. 4, N. R. 2 W.B.M.

County of Canyon

5. To be used for: Irrigation and domestic purposes.

all within the Pioneer Irrigation Dist.

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 4516.68 acres

(b) In the following legal subdivisions: See Lists "A" and "B".

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under

ft. head

(c) Is water to be returned to any stream? point of return:

(d) If so, name stream and locate

6. Estimated cost of works: \$see remarks.

7. Description of works for diversion:

I. Kind of works: see remarks

II. Dimensions of works: see remarks

(a) Height of dam

feet, length of dam at top

feet,

length of dam at bottom

feet. Material used in construction:

(b) Capacity of reservoir

acres feet.

(c) Size of headgate, width

feet,

Height

feet.

(d) Conduit Phyllis Canal width at bottom 32

feet,

width at water line 40

feet, depth of water 4

feet; diameter of pipe

inches; average grade per mile is 1 $\frac{3}{4}$ feet. Length of conduit is 35.3 miles, and it crosses the following quarter sections: See List "C"Conduit Caldwell Highline Canal, width at bottom 16 feet, width at water line 22 feet, depth of water 3 $\frac{1}{2}$ feet; average grade per mile 1 $\frac{3}{4}$ feet, length of conduit 16 miles. See List "D".

8. The time required for the completion of the construction of such work is three years.

9. Time required for the complete application of the water to the proposed use is five additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

PIONEER IRRIGATION DISTRICT

Applicant.

By L. E. Greenslet.

Agent.

Date of first receipt at office of State Engineer 3 :00 P.M. Sept. 8, 1915

Returned to applicant for correction September 8, 1915

Corrected application received November 5, 1915.

APPROVAL OF STATE ENGINEER

The number of this permit is 11897

Recorded in Book 40 Page 11897. Approved January 10, 1916.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ 1000.00

to be filed on or before March 10, 1916.

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before July 10, 1917.

The whole of said work to be completed on or before January 10, 1918.

Beneficial use of water appropriated in accordance herewith, to be made on or before January 10, 1924.

Witness my hand this 10th day of January, 1916.

J. H. SMITH.

State Engineer.

Remarks: 50 second feet to be pumped at Pumping Plant No. 1, see remarks "B".

The Pioneer Irrigation District entered into a contract with the United States of America, in which contract the United States of America agrees to expend \$350,000 in digging and constructing drainage systems, known as the Mason Creek Drainage and the Wilson Slough Drainage Systems, and also another named the Dixie Drainage System, within said District, which systems are outlined on the blue prints marked Exhibit "A" and Exhibit "B", annexed hereto and made a part hereof, for the purpose of draining water-soaked lands of the District, on condition that the District return said money, so expended, in twenty installments, as hereinafter stated.

Prior to the execution of said contract by said District, a resolution was adopted by its Board of Directors, on September 14, 1912, in which resolution said Board formulated a general plan of its proposed drainage and increased water supply for said District, in which it declared the necessity of drainage and also the necessity of an increased water supply for irrigation, and stated that in the construction of said Drainage Systems water would be developed, accumulated and waste waters collected, which would be developed, accumulated and waste waters collected, which would be diverted or pumped into the canals of the District and used by the District in increasing its water supply. Copies of the maps, the above mentioned contract, plans and resolution were filed in the office of the State Engineer of the State of Idaho on September 16, 1912, to which reference is hereby made. Said resolution, contract and plans were approved by the said State Engineer, by report to said District, on September 27, 1912, after which the same were approved by vote of the District, by a special election held for that purpose; and that thereafter another contract was prepared and by a special election authorized and entered into by the District, in which the payments to the United States of America may be made as follows: Two per cent each year for the first four years; four per cent each year for the next two years and six per cent each year for the next fourteen years.

On or about November 1, 1913, the Reclamation Service of the United States of America commenced the construction of the said Drainage Systems, the Mason Creek Drainage System being included within said Systems, in which said system there has been expended about \$106,000 and about 26 miles of drainage ditch has been constructed, of about ten feet in depth and from five to eight in width at the base.

The water is being developed by the construction of the Mason Creek Drainage System, which comprises the drainage ditches in the Mason Creek Drainage System, as shown on the map accompanying this application, comprising the Mason Creek Drain, the Furdan Gulch Drainage Ditch, Noble Slough Drainage Ditch and the Solomon Slough Drainage Ditch, which Mason Creek Drain develops 40 second feet; the Furdan Gulch Drainage Ditch 20 second feet; Noble Slough Drainage Ditch 20 second feet; Solomon Slough Drainage Ditch 20 second feet; and a portion thereof, to-wit: 30 second feet, developed by the Mason Creek Drain, and 20 second feet developed by the Furdan Slough Drainage Ditch is to be pumped at pumping plant No. 1, located where the said Mason Creek Drain crosses the Caldwell Highline Canal, at a point 785 feet North, 73° West of the Southeast corner of Section 28, in Township 4, North of Range 2, West of Boise Meridian, in the Southeast quarter of the Southeast quarter of Section 29, Township and Range aforesaid, and to be used in the irrigation of the lands described in "List A", hereto attached.

There are within the Pioneer Irrigation District, this applicant, more than 34,800 acres of land, and the irrigation of said lands requires, in addition to the amount asked in the cases on file in the courts of this State and the amount contracted for with the Government, a copy of which contract is on file in the office of the State Engineer and was approved by said State Engineer September 26, 1912, the amount of water which is being developed by the construction of the drainage systems on the blue print hereto attached and included in the above application and also in application No. 16860 to irrigate 3597.92 acres, as shown by "List A" under the Caldwell Canal, a portion of which has not yet been reclaimed, and to supply additional water for 26,130 acres, as shown on List "B", about 5,000 acres of which has not been reclaimed. It is the intention of this application to file on the waters to the amount of the application developed by means of the drainage system constructed by the applicant, as in this application set forth.

LIST A.

In Township 4 North, Range 2, West of Boise Meridian:

Subdivision	Section	Acres	Total Acres.
NW $\frac{1}{4}$	31	158.00	
W $\frac{1}{2}$ of NE $\frac{1}{4}$	31	80.00	
Lots 3 and 4	31		
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	31	157.00	
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	31		
	30	637.46	
SE $\frac{1}{4}$	29		
W $\frac{1}{2}$ of NW $\frac{1}{4}$	29	400.00	
Lot 2	19	38.78	
Lot 3	19	39.08	
Lot 4	19	39.38	
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	19		
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	19		
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	19		
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	19	240.00	1789.68

In Township 3 North, Range 2, West of Boise Meridian.

Subdivision	Section	Acres	Total Acres.
NW $\frac{1}{4}$	6	157.00	157.00

In Township 4 North, Range 3, West of Boise Meridian:

Subdivision	Section	Acres	
SE $\frac{1}{4}$	24		
NW $\frac{1}{4}$	24		
W $\frac{1}{2}$ of NE $\frac{1}{4}$	24		
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	24	600.00	
W $\frac{1}{2}$ of NE $\frac{1}{4}$	23		
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	23		
SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$	23		
W $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$	23		
NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$	23		
NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$	23		
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	23	250.00	
NE $\frac{1}{4}$	25		
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	25		
NE $\frac{1}{4}$ of W $\frac{1}{2}$	25		
NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$	25		
NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$	25		
SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$	25		
NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$	25	610.00	1460.00

Carried forward 3406.68

Total Acres.

Brought forward3406.68

In Township 4 North, Range 3, West of
Boise Meridian: (Continued)

Subdivision	Section	acres.	
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	25	50.00	
	36	640.00	670.00

In Township 3 North, Range 3 West of
Boise Meridian:

Subdivision	Section	Acres.	
NE $\frac{1}{4}$ E $\frac{1}{2}$ of NW $\frac{1}{4}$	I I	240.00	240.00

Total number of acres. 4316.68

"C"

The Caldwell Highline Canal, as now constructed, from Boise River, of sufficient size to carry water to irrigate all the lands under said canal, within the Pioneer Irrigation District, heads at Boise River, 2500 feet North, 14° West of the East Quarter corner, Section 24, in Township 4 North of Range 2, West of Boise Meridian, in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, in Township 4, North of Range 1, West of Boise Meridian, and crosses the following quarter sections:

SW $\frac{1}{4}$ of Section 18, Township and Range last above stated;
NW $\frac{1}{4}$ of Section 19;

In Township 4, North of Range 2, West of Boise
Meridian:

NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 24;
NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 23;
NE $\frac{1}{4}$, NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 22;
NW $\frac{1}{4}$ of Section 21;
NE $\frac{1}{4}$, NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 28;
NE $\frac{1}{4}$, SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 29;
NW $\frac{1}{4}$ of Section 32;
NE $\frac{1}{4}$, NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 31;

In Township 3, North of Range 2, West of Boise
Meridian:

NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 6;

In Township 3, North of Range 3, West of Boise
Meridian:

NE $\frac{1}{4}$, SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 1;
SE $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 2;

In Township 4, North of Range 3, West of Boise
Meridian:

SE $\frac{1}{4}$, SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 35;
NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 34;
NE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 33;
SW $\frac{1}{4}$ of Section 28;

The laterals from the Caldwell Highline Canal cross
the following quarter sections, to-wit:

Lateral G.06

In Township 4, North of Range 2, West of Boise
Meridian:

SW $\frac{1}{4}$ of Section 29;
SE $\frac{1}{4}$ and NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 30;

Lateral 8.8

In Township 4, North of Range 2, West of Boise Meridian;

NW $\frac{1}{4}$ of Section 31;
SW $\frac{1}{4}$ of Section 30;

In Township 4, North of Range 3, West of Boise Meridian;

SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of Section 25;

Gowen Lateral.

In Township 4, North of Range 3, West of Boise Meridian:

NE $\frac{1}{4}$ of Section 34;
SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 27;

EXTENSION OF TIME.

Upon proper request of Fred L. Evans, Secy. Pioneer Irrigation District, holder of Permit No. 11897, I have this 3rd day of May, 1917, extended the time for completion of works thereunder to the 10th day of January, 1921.

J. H. Smith,
State Engineer.

APPLICATION FOR AMENDMENT

TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 11897

Comes now the Pioneer Irrigation District and represents to the State Engineer of the State of Idaho,

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 11897, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

Twp	Range	Sec.	N E 1/4				S W 1/4				S E 1/4				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4 N	3 W	10								10					30
"	"	15	30	40	40	40	11		3		40	20		40	264
"	"	14						15		10	40	40	10		115
"	"	22	20			20					20				60
"	"	23	40	40	35	40	40	40	40	40	40	40	40	40	635
"	"	24		40	40	40	40	40	40	40	40	40	40	40	600
"	"	25	40	40	40	40	40	40	40	40	40	40	40	40	640
"	"	26	40	40	30	40	15				30				195
"	"	36	40	40	40	40	40	20	20		20	40	20	20	380
3 N	3 W	1	40	40	40	40	40		40						240
"	"	6					39.39	39.39	39.11	40					157.50
4 N	2 W	19								39.38					39.38
"	"	30	40	40	40	40	40	39.31	39.35	40	40	39.38	39.42	40	637.45
"	"	31		40	40		40	40	40	38	40	39	39	40	396.00

making a total of 4,399.34 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Caldwell, Idaho, this 11th day of May, 1918.

A. G. STREET
Pres. Pioneer Irr. Dist.

Date of receipt at Office of State Engineer May 13th, 1918.