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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Grays Creek Canal Association

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In the Matter of Water Users Association of
Grays Creek Ditch Lateral

AFFIDAVIT OF DEAN DUNHAM

STATE OF IDAHO)
) ss.
County of Adams)

Dean Dunham, having been duly sworn upon oath, deposes and states as follows:

1. My name is Dean Dunham. I am one of the Directors of the Grays Creek Canal Association (“Association”). As a Director for the Association, I have access to the Association’s business records and files. I make this affidavit based upon my own personal knowledge.

2. The Grays Creek Ditch commences at its headgate on the Little Weiser River the NW quarter of Section 23, Township 14N, Range 1W, and terminates at a concrete

splitter structure referred to as “Structure” and/or “Location” No. 13 in this matter. Structure No. 13 is located in the NWSW quarter quarter of Section 11, Township 14N, Range 1W.

3. Several private user laterals divert water from the Grays Creek Ditch. These include the private lateral serving the Legg Family Trust’s (“Trust”) property. The private lateral serving the Trust’s property (among other neighboring properties) begins at Structure No. 13, and continues downstream from that point.

4. On June 20, 2012, the Association held a general meeting of its patrons for purposes of electing a watermaster to administer water deliveries and operations on the Grays Creek Ditch. The meeting was held at the Indian Valley Fire Hall (which also serves as the community post office) at 7:00 p.m., and advance written notice of the meeting was mailed to all Association patrons (water users).

5. The meeting was well attended. Attached hereto as Exhibit A is a true and correct copy of the attendance sign-in sheet circulated at the meeting. Among the meeting attendees were representatives of the Trust (Marion and Delbert Ogle). The Trust’s counsel, Dana Hofstetter also attended the meeting.

6. Association patrons initially moved to elect Director Jim Buchanan as the Grays Creek Ditch watermaster. However, Mr. Buchanan suggested that the other Association Directors also be named so that the responsibility did not fall to just one individual who may not always be available to serve due to other obligations and commitments from time to time. Consequently, the motion was amended to name all of the Directors (myself, Jim Buchanan, and Loren Brest) as watermasters for the Grays Creek Ditch.

7. The motion nominating me, Jim Buchanan, and Loren Brest to collectively serve as watermaster of the Grays Creek Ditch was approved by a unanimous vote of the meeting

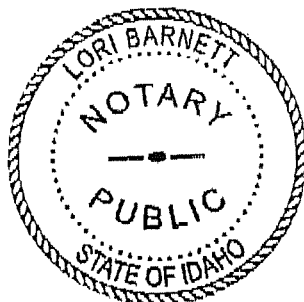
attendees who voted. The Trust abstained from the vote, and was the only meeting attendee who did not vote. Neither the Trust, nor its counsel (Ms. Hofstetter), voiced any opinion (either in support or against) the motion or the vote.

8. As a result of the election held on June 20, 2012, myself, Jim Buchanan, and Loren Brest now collectively serve as the watermasters of the Grays Creek Ditch. Consequently, our jurisdiction starts at the ditch headgate on the Little Weiser River, and ends at the concrete splitter known as Structure No. 13.

Further your affiant sayeth naught.

Dean Dunham
Dean Dunham

SUBSCRIBED AND SWORN to before me this 5th day of July, 2012.



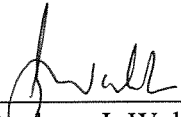
Lori Barnett
NOTARY PUBLIC FOR IDAHO
Residing at New Meadows
My Commission Expires 11-10-15

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of July, 2012, I caused a true and correct copy of the foregoing **AFFIDAVIT OF DEAN DUNHAM** to be served by the method indicated below, and addressed to the following:

Dana L. Hofstetter
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, ID 83702
Fax: (208) 424-8774
Email: Dana@IdahoWaterLaw.com

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile



Andrew J. Waldera

Marna By Grossen

TOM GROSSEN

Dean Dunbar

Board member

Jackie Phillips

Daniel Phillips

Jim Buchanan

Pres.

Erolle Zonta

Keith Zonta

Shelly Craig

Tommy Craig

Marion Ogle

Belbert Ogle

Dana Hofstetter

Wendy Lorenz

Bob "

Wendy Lorenz

Vieta L Wood

Tom Burt

Board member

Ron Ray

Esther Ray

Ronald R Dunham

Mike Hvey

Tom Green

Dezarac Graham

Frank Ford

Jerry Lingen

Gal Holmes

Dawn Holmes

Richard R Hunt Secretary