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June 1, 2004

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Re: Portneuf Irrigators Settlement Conference - Basin 29

Dear Candice and Al:

It's my understanding that prior to the next settlement conference scheduled for June 30 at 1:00 p.m., the Department will develop and present an administration plan for the delivery of early/late irrigation rights if the river is segmented for delivery purposes into an upper reach from Pebble Creek to the Lava Irrigation Company diversion and a lower reach from the Lava Irrigation diversion to the diversions of Portneuf-Marsh Valley Canal Company/Portneuf Irrigating Company/McCammon Ditch Company. Further, that the Department will identify and provide flow data and records prior to and after the irrigation season.

To further our analysis and preparation, we would ask that the Department provide the following additional information:

1. A list of all irrigation rights on the Portneuf River, reflecting the right number, priority date, quantity and point of diversion.

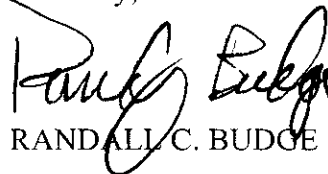
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2. A list of all early/late irrigation rights recommended by the Department.
3. All evidence submitted to the Department in support of the recommended early/late irrigation rights. If the information is too voluminous to copy, please advise when we can arrange to review the same.
4. A chart reflecting all early/late irrigation season flows at the Pebble and Topaz gauge stations, together with the supporting data.
5. The copy of the *Union Elevator vs. McCammon Ditch Decree* which I have reflects that the original Final Decree was entered on July 1, 1921 and that an Amended Decree was entered on December 4, 1922. I assume this was further amended, which gave rise to a Final Decree entered in 1932 establishing the priority date the Department is relying upon. Would you kindly provide a copy of that Decree. Additionally, the Amended Decree I have indicates that Findings of Fact and Conclusions of Law were entered. If you have those available, would you please provide a copy. If you do not have them available, let me know and we will do further research with the Court.

I would appreciate it if you would provide it simultaneously to me and to Chuck Brockway at 2016 Washington Street North, Twin Falls, Idaho 83301. Thanks for your cooperation and assistance. If you have any questions, give me a call.

Sincerely,



RANDALL C. BUDGE

RCB:rr

cc: Charles Brockway