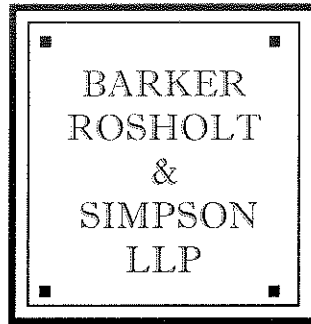


John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington



Travis L. Thompson
tlt@idahowaters.com

RECEIVED
113 Main Ave. W., Suite 300
P.O. Box 485
Twin Falls, ID 83303-485
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com
MARCH 20 2006
IDaho DEPARTMENT OF
WATER RESOURCES

205 N. Tenth St., Suite 520
P.O. Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

March 17, 2006

Mr. Don Shaff
Adjudication Bureau
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 837020-0098

Re: Tugaw Ranch Late Claim #45-487A (Dry Creek)

Dear Don:

I am writing on behalf of my client Joe Tugaw regarding his late claim #45-487A (Tugaw Ranch) that was filed in the Snake River Basin Adjudication (SRBA) last fall. We recently exchanged email correspondence (February 27th) on this subject.

As you know, the SRBA Court granted Mr. Tugaw's motion to file a late claim on December 21, 2005. Thereafter, the notice of claim was forwarded to the Department for its review and analysis. Despite the SRBA Court's existing rules of procedure (AOI 4.d.2.h)¹, it is my understanding that the Department usually files a "late claim report" every February and the Court has permitted this practice. I understand the reasons for this procedure to include: 1) allow an agent to conduct a field exam during one or more irrigation seasons; 2) increased efficiency; and 3) staff efforts to file initial Director's Reports for basins that have yet to be reported. Accordingly, you indicated that Mr. Tugaw would not see a recommendation from the Department until the spring of 2007 at the earliest.

While Mr. Tugaw appreciates the Department's current staffing focus and the emphasis to work on initial basin reports, he does not believe that waiting for a field exam over the course of one or more irrigation seasons is appropriate in this instance. Since this water right has been continually used by Mr. Tugaw for over 40 years in conjunction with other water rights on his property that have already been partially decreed by the SRBA Court, performing a field exam will not provide the Department with any more information than it has now.

¹ The rule provides "IDWR shall file a Director's Report for all late-filed claims within 60 days following the granting of the *Motion to File a Late Notice of Claim*."

Mr. Don Shaff (IDWR)
March 17, 2006
Page - 2

Moreover, given the unique history behind this water right claim (#45-487A), and the fact the water was previously decreed and then conveyed to Mr. Tugaw when he purchased the parcels that comprise his Dry Creek Ranch, waiting for a year or more will not assist the Department's review.

Accordingly, Mr. Tugaw formally requests that the Department process the late claim (#45-487A) filed on behalf of Tugaw Ranch as soon as possible. Since the 2006 irrigation season is fast approaching, Mr. Tugaw would prefer to have this claim reviewed immediately in order to preclude any conflicts with other water right holders on Dry Creek. Although the SRBA Court may have previously accepted the "one year later" report for other late claims reviewed by the Department, Mr. Tugaw is unaware of any formal order issued by the Court that would indicate anything other than the existing rules of procedure govern the Department's duties.

Finally, Mr. Tugaw recognizes the Department's need for efficiency in filing late claim reports and the present schedule in completing the remaining Director's Reports for the Court. However, the facts in this case are unique and warrant a departure from the Department's customary practice that has developed over the past few years.

Thank you for your attention to this matter and the prior correspondence. Please call me at 733-0700 if you have any questions or would like to discuss this further.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to read 'T. L. Thompson', with a stylized flourish at the end.

Travis L. Thompson

cc: Joe Tugaw
Chris Bromley (Deputy A.G., IDWR)