



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 1, 2006

VIA FACSIMILE AND U.S. MAIL

Special Master Brigitte Bilyeu
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

Re: 31-11845 – Additional Field Inspection

Dear Special Master Bilyeu:

As you are aware, the Department accompanied the parties on a field inspection on May 15, 2006. During that inspection, Carter Fritschle with the Department observed that there may be some question regarding the elevation of the land located within the claimed place of use. Observation of the property did not comport with the claimant's expert's findings. These observations are discussed generally in the Department's Supplemental Director's Report on pages 12-13 and 15 which was filed on May 26, 2006.

In order to assist the Court as its technical expert and to correctly identify the elements for the above listed water right, Mr. Fritschle and Mr. Tuthill would like additional information regarding variations in the elevation of the property. Currently, the Department has equipment, technology and staff to create an accurate topographic map of the place of use. However, to gather this information, access to the property is necessary in order to gather Global Positioning System (GPS) data. The employees of the Department that would be conducting the analysis are, Sonny Hornbaker Professional Geologist and Manuel Rauhut, Engineer in Training. The purpose of performing site analysis is to gather GPS data defining land surface, roads, canals, laterals and other features of importance to provide data to compile a computer modeled topographic map.

Pursuant to the Director's authority under Idaho Code § 42-1410, **the Department intends to conduct the above described inspection during the week of June 12-18.** The parties and their attorneys or consultants are welcome to join the Department and specific details about logistics can be worked out among the participants. Once the mapping is completed, the Department intends to provide a Second Supplemental Director's Report to the Court for its reference and use in this subject.

Perhaps any questions or discussion of this matter could be addressed following the summary judgment hearing set for tomorrow, Friday, June 2 at 10:00 a.m. Otherwise, you may call me to discuss this further.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Candice M. McHugh".

Candice M. McHugh

cc: *via facsimile*
Roger Ling
David Barber
Carter Fritschle
David Tuthill, Jr.
Sonny Hornbaker