

Idaho Dept. of Water Resources
State Office, Boise Idaho
October 13, 2006

To: 73-187B
From: Roxanne Brown
Subject: Notice of Error

Mr. Thomas met with me in May, Idaho and provided the attached affidavits. IDWR has been aware of conflict between Mr. Thomas and the neighbor who owns 73-187A.

Because this NOE represents a known conflict and the recommendation reports the water right as it exists in IDWR records, I will make no changes to the recommendation at this time.

This conflict should probably be resolved by objection to both rights: 73-187A and 73-187B. This will bring the parties together and lead to a resolution.

October 9, 2006

Edwin C. Thomas
107 Defiance
Sun Valley, Idaho 83323
(208) 622-8852
ethomas@lordbissell.com

IDWR Regional Office
322 E. Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
Attn: Ms. Roxanne Brown

Re: Objections to Recommendation Concerning Water Right Number 73-187B

Dear Ms. Brown:

As promised, we are enclosing the executed affidavit of Dale Hansen concerning historical usage of Big Gulch waters. The remaining affidavits from Messrs. Whitworth and Martini are in process.

Thank you for your attention to this matter.

Very truly yours,

Edwin C. Thomas

ECT:rr

Enclosure

AFFIDAVIT

I, Dale Hansen, make this affidavit at the request of Ed and Linda Thomas, the present owners of the Summit Ranch.

I owned the Summit Ranch from January 1, 1958 until sometime in 1965. During those years I operated the property as a cattle ranch.

Each season, I was entitled to and did use approximately 1/2 of the waters from Big Gulch Creek for the purpose of to irrigating my upper pasture and filling the Summit reservoir. My neighbor, Mr. Fife, used the other 1/2 of the Big Gulch waters to irrigate his property located several miles below the Big Gulch diversion point.

There was never a claim made nor did a circumstance occur under which I was denied my approximately 1/2 share of the waters of Big Gulch Creek.

Further Affiant sayeth not.

Dale Hansen
Dale Hansen

Signed and Sworn to
this 2 day of October, 2006

Debra D. Reddick
Notary Public

