

Reference: WR 67-10705

RECEIVED

DEC 15 2006

DEPARTMENT OF
WATER RESOURCES

December 1, 2006

Dear Mr. Saxton:

At Wednesday's meeting in Council, Monica helped us with our questions on the preliminary recommendations, since you were one very popular gentleman that afternoon.

She was very helpful, and when she pulled the file on Water Right 67-10705, she read your explanation that you were waiting for backup support information from us, but couldn't wait any longer because of deadlines. I have no idea what happened to this affidavit from Mr. Barton the first time I sent it, but, hopefully, this copy will reach you. I apologize for the inconvenience.

Monica told us to resubmit the affidavit with the Notice-of-Error Reply and that, hopefully, this will be what you need to confirm beneficial use.

Once again, thank you for all your help with all our claims and questions. We have enjoyed working with you - but you're glad this process is winding down.

Merry Christmas!

Sincerely,
Barbara A. Eitel
C.H.E. Enterprises
Cambridge, Idaho 83610

11/14/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-10705

NAME AND ADDRESS: CHE ENTERPRISES INC
C/O CAMERON OR BARBARA ERTEL
3054 GOODRICH RD
CAMBRIDGE ID 83610

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-10705

CHE ENTERPRISES INC
C/O CAMERON OR BARBARA ERTEL
3054 GOODRICH RD
CAMBRIDGE ID 83610
Telephone Number: (208) 257-3491

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Basis of claim— no beneficial use found

2. Describe the changes you wish to make in the proposed recommendation:

Beneficial use established based on enclosed affidavit, thus allowing water right 67-10705

3. Give a brief explanation as to why you disagree with these portions:

The claimant did submit this affidavit during the exploratory process, but, for some reason, it apparently didn't reach the proper representative. So we are resubmitting it in hopes of reversing the preliminary recommendation.

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-1-06

SIGNATURE

Cameron C. Ertel

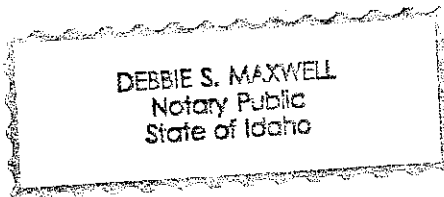
Please print your name: Cameron C. Ertel

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

I, Fred Barton, of Cambridge, Idaho, was born Aug. 23, 1917, and, as a young man of sixteen or maybe younger, I worked for my uncle, Fred Jewell, riding and herding cattle on land he owned surrounding Cow Creek. I remember water being taken from Cow Creek in ditches, and being used at that time to irrigate the meadows north of the railroad tracks, near the mouth of Cow Creek.

Fred Barton
Fred Barton

Subscribed before me this 22nd day of August 2005.



Debbie S. Maxwell
Notary Public State of Idaho

**My Commission Expires On
August 24, 2007**