

December 7, 2006

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DEPT OF
WATER RESOURCES

Department of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098
Attn: Monica Bussum

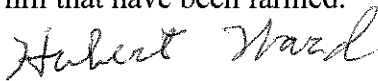
Dear Ms. Bussum,

In response to your telephone conversation with Mike Case regarding water right 67-4510, following is information regarding the history of use at that location.

All Rush Creek water usage originates from headgates located on my property. I have lived here on Rush Creek for more than 60 years. I was in my late teens when I moved here and therefore was old enough to know and remember who has used the water and for what.

I have farmed the property that this water right is tied to for 6 of the last 7 years. During the past 7 years we have reconstructed the upper end of the ditch to repair extensive damage done by owners of the land adjacent to my ranch and have cleaned and repaired the entire ditch with the exception of a 100 yard buried culvert on the Warner ranch north of the Case's. The water flow is restricted at the beginning of the culvert and needs to be cleaned to get proper flow. We have run water through the ditch but the flow needs to be improved.

The ditch was used in the 30's through the 60's by the KESTER family both for grain, alfalfa and stock water. The Case property is the only property at the south east end of upper Rush Creek that has been farmed. After the Kester's sold out the RIPPEN'S continued to farm the property. As I have said, the 15 acres below the existing Case residence and the 2 fields southeast of the residence are the only fields on that side of the hill that have been farmed.



Hubert Ward
DOB 11/09/28
Ward Road
Cambridge, ID 83610