



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 8, 2008

NICHOLAAS J DERUYTER
DERUYTER PROPERTIES LP
13027 SUNNYSLOPE RD
CALDWELL ID 83607

Re: Snake River Basin Adjudication (SRBA)
Notice of Change in Water Right Ownership #2-2379

Dear Mr. DeRuyter,

Normally with a change of ownership, the claimant does not receive a letter explaining the actions this agency staff has taken to process the notice beyond the paperwork we file with the Court that you will find enclosed. The circumstances surrounding the property you purchased that was formerly owned by Snake River Properties and the water right associated with it led me to break with the normal practice.

The water right recommended to the Court and the water right license covered more land than you purchased. Two forty-acre tracts are at issue. One of those is described in an Objection filed by the United States BLM. A copy of the Objection is enclosed. The other tract is owned by Danskin Cattle. Coincidentally, when the water right was initiated in 1965 these lands were not described as part of the water right. The short of a long story is the total acres for the water right were reduced by 48 acres. The enclosed map with 2006 photography indicates these 48 acres in the two tracts were not irrigated that year.

The alternative would have been to split or divide the water right between the land you purchased as shown in the deeds and the remaining 48 acres. The water quantity would have been split proportionately. I concluded the split was not the intent of the sale or in the best interest of you and your partners. However, I could not in good faith describe a water right including the 48 acres that you did not acquire.

The green line on the enclosed map delineates the boundary of the irrigated land you own. You will find some "bleed" here and there in the photography, but the line also follows the quarter-quarter line in those cases corresponding to your property line. The section subdivision lines are also shown on the map.

NICHOLAAS J DERUYTER

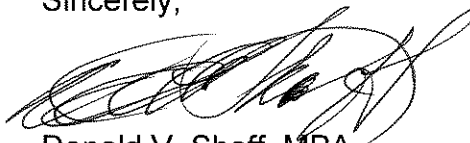
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You will see BLM was served with a copy of the ownership change document we sent to the Court. I suspect the federal agency will withdraw its objection upon receiving this NCAP. You may have questions about the water right description and the process. I would be happy to meet with you or talk on the telephone. You are not required to accept the water right described in the NCAP.

Finally, this Notice of Claim is still pending before the SRBA District Court; therefore, no fees were due. The refund process has been initiated with the State Auditor's Office for the \$25 fee you paid on receipt #C085853. You should receive a check soon.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff', with a large, stylized flourish at the end.

Donald V. Shaff, MPA
Adjudication Bureau Chief

Enclosures