



State of Idaho

DEPARTMENT OF WATER RESOURCES

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February 20, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

LOREN R BREST
BRIDGETTA L BREST
1951 MONTE COURT
PORTERVILLE CA 93257

RE: Amendment of Snake River Basin Adjudication (SRBA) claim 67-452A

Dear Mr. and Ms. Brest,

On December 22, 2006, the Idaho Department of Water Resources (IDWR) submitted to the SRBA court our recommendation for claim 67-452A.

On April 12, 2007, the previous land owners, James and Cora McCrumb filed an objection to that recommendation for 67-452A (attached).

The McCrumb's objected to three main points:

- 1) The mailing address
- 2) The diversion rate
- 3) The total acres

1) The mailing address does not appear to be an issue at this point as the water right now lists your contact information

2) I cannot change the recommended diversion rate to reflect that rate which was claimed 0.41 cfs because 0.08 cfs is the proportionate share of the water right for 6.2 acres.

67-452A claims a portion of decreed right 67-452 that was originally decreed in the Muir v. Allison decree (1918). 67-452 was originally decreed for 1 cfs on 80 acres (0.0125 cfs per acre). Therefore, if we split up the right proportionally, 6.2 acres would be irrigated with 0.0775 cfs (0.08 cfs). I am limited to recommending 0.08 cfs on the 6.2 acres claimed.

3) Originally, the McCrumb's claim 6.2 acres in the SESE of Section 10. However, our analysis shows that 4.8 acres were in the SESE and 1.4 acres were in the SWSE. Since the SWSE of section 10 was not claimed as a valid place of use by the McCrumb's, IDWR could not recommend the 1.4 acres found in the SWSE.

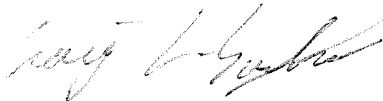
The McCrumb's filed an objection to the recommendation of 4.8 acres. In order for me to have the authority to change the recommendation to reflect 1.4 acres in the SWSE, it has to be claimed.

I am enclosing an amended claim and a map that reflect the acreages I spoke about above. Look over the claim and initial any additional changes you may wish to make. When satisfied sign the amended claim and return it to me ASAP so I can make changes on the recommendation and notify the SRBA court.

Please note that if you still disagree with the recommended diversion rate (Point # 2), I would suggest you contact me and we can talk about what steps you need to take, if any, to ensure that you will have an opportunity to be heard by the SRBA court.

Please feel free to contact me if you have any questions.

Respectfully submitted,



Craig L. Saxton
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