



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 8, 2008

PRESTON DIXON
PO BOX 367
CHALLIS ID 83226-0367

Re: Snake River Basin Adjudication (SRBA)
Amended Notice of Claim to a Water Right #73-11971

Dear Mr. Dixon,

Admittedly long after you submitted your amended claim a year ago, I have taken a look at the claim elements you are seeking to change from the Director's Report filed with the Court. Despite the time lag Preston, we are still ahead of the curve for the Court addressing the objections filed in the Pahsimeroi valley next spring or summer.

While the diversion requirement per acre has been documented and justified, I have trouble recommending the entire 11.9 acres as irrigated land in the two parcels you own off Ellis Road. The biggest challenge is the river location illustrated on the plat by Taft Engineers you sent does not match with the location of your property boundaries and the river. I have enclosed a map to illustrate my points. Quite simply, 11.9 acres are not squeezed between the river and the east side of property. I think if you check with the assessor's office records and plats you will find the river cuts across the southwest corner and inside along the west side of your property. These trims and the driveway and non-irrigated farmstead ground north of the house reduce the irrigated ground to 9.9 acres as recommended.

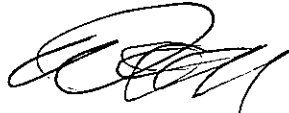
I think you can see a channel of the river coming from the south of your property and the same channel going from the northwest corner of your property. I have included a blue line to aid seeing the same channel passing through your property, particularly with the other lines competing for visual attention near the river channel. The dark green block should coincide with the outline of your two parcels. The lime green block is the place of use and is no more than 9.9 acres. The lime green line along the east and southeast side overlays the property line, of course.

I have enclosed a preliminary report for you to consider. You will see the quantity is four (4) inches to the acre consistent with most of the other rights in the Shoupe-Ellis ditch. I wanted to give you a shot at considering the recommendation before an amended director's report following your amended claim is sent to the Court. Feel free to call me, if I have been unclear in this letter or you have questions.

Preston Dixon
December 8, 2008
Page 2

Thank you for your patience. My objective is to reach a common understanding of your water right to get the decree for it correct.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Shaff', with a stylized, cursive flourish.

Donald V. Shaff, MPA
Adjudication Bureau Chief

Enclosures
C: M. Noonan (73-4040)