

ILENE AND ARDEN ARRINGTON
PO BOX 1110, SALMON, IDAHO 83467
208.756.1322

75-13948

13950

14444

14446

14475

14447

October 25, 2009

Monica Van Bussum
Sr. Water Resource Agent
Adjudication Bureau
IDWR
322 East Front St., PO Box 83720
Boise, Idaho 83720-0098

Dear Mrs. Van Bussum

In the interest of closure and of getting on to Wallace Creek issues that we believe to be far more important, Ilene and I have decided to withdraw our objections to the water right recommendations for our properties as issued in the *Amended Director's Report* of August 24, 2009— *if the adjudication bureau will agree to the solution proposed in this communication*. As you are aware, Ilene and I own 3 properties within the lower Wallace Creek area of distribution. Lot 2, Vistas at Diamond Creek is held within my IRA (Pensco Trust). We own the other two properties jointly.

We propose to redistribute slightly the total acreage and total volume of water recommended for our properties in the amended report of 8/24/09 within our 3 properties, to more closely match the acreages and volumes for our 3 properties as previously stated by IDWR in the Partial Decrees issued by the court on November 17, 2008. We have outlined those redistributions in the attached chart. *The totals of both the acreage and the volume of water allotted to these 3 properties do not change.*

You will recall that I stated that for our residence property, a survey of record was being prepared in order to call out a conservation easement for the mouth of Wallace Creek (0.65 acres) to be held by IDFG. This survey also calls out the surveyed area of the building footprint that should have been deducted from our residence property (4.88 acres) in IDWR's 8/24/09 recommendation for rights, based on the actual irrigated area. The surveyor's calculations (0.55 acres) based on actual surveyed area is essentially the same as the drawing that I sent you (0.58 acres) on September 3, 2009. You already have the survey of record for Lot 1 and Lot 2, Vistas at Diamond Creek showing the irrigated areas.

As soon as IDWR changes the (*amended*) recommended acreages and volume for these 3 properties, we will be happy to call it a deal and withdraw our objections. We can think of no reason why IDWR should have any justifiable grounds for not doing so.

Please send me an email confirmation that you have received this correspondence, so that we will not have to go to the additional trouble of mailing hard copies.

Sincerely,

Received via email 10/26/2009 MVB

Arden Arrington

Cc: Donald F. Carey

**AREA AND VOLUME TOTALS AS RECOMMENDED 8/24/09 AMENDED DIRECTOR'S
VERSUS THOSE AS ADJUSTED PER THIS AGREEMENT ARE IDENTICAL.**

PROPERTY	RIGHT NUMBER/DATE	REC.AREA	REC.VOL	<u>ADJUSTED</u> AREA/VOLUME
Lot 11	75-13948 1898	3.8 acres	0.03 cfs	4.0 acres 0.04 cfs
(residence)	75-13950 1902	3.8 acres	0.05 cfs	4.0 acres 0.06 cfs NOTE 1
Lot 1, Vistas at	75-14444 1898	2.4 acres	0.02 cfs	3.2 acres 0.03 cfs
Diamond Creek	75-14446 1902	2.4 acres	0.03 cfs	3.2 acres 0.03 cfs NOTE 2
Lot 2, Vistas at	75-14475 1898	4.2 acres	0.04 cfs	3.2 acres 0.03 cfs
Diamond Creek	75-14447 1902	4.2 acres	0.05 cfs	3.2 acres 0.03 cfs NOTE 3
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	TOTALS	<u>10.4 ACRES</u>	<u>0.22 CFS</u>	<u>10.4 ACRES 0.22 CFS</u>

NOTE 1: Represents same area and volume as stated in 11/17/2008 Partial Decree

NOTE 2: Partial Decree 11/17/08 for 3 acres at 0.08 cfs combined 1898 and 1902

NOTE 3: Partial Decree 11/17/08 for 3 acres at 0.08 cfs combined 1898 and 1902