

THOMSEN STEPHENS
LAW OFFICES

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Curt R. Thomsen (*Challis Office*)
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*Also Member of Wyoming Bar

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RECEIVED

JAN 19 2010

DEPARTMENT OF
WATER RESOURCES

January 14, 2010

CRAIG L SAXTON
IDWR
ADJUDICATION DIVISION
PO BOX 83720
BOISE ID 83720-0098

RE: SULLIVAN/HALL
SRBA - Subcase 73-12037

Dear Mr. Saxton:

To follow up our e-mail communications after the status conference, I enclose some additional documentation as follows:

1. IDWR color aerial map with in-place ditches delineated in black. This was prepared by Leon Ziegler who signed it on December 21, 2009, to illustrate the ditches that exist on the property as used for irrigation now and as of November, 1987 to the present;
2. A 1978 aerial photograph of the property illustrating the cultivation of same for alfalfa/pasture grass for livestock;
3. A 1946 aerial photograph of the same property;
4. An aerial photograph taken July 20, 2009, of the same property.

The point of this information is to establish that the property was agricultural and fully irrigated by gravity flow irrigation prior to and since November 19, 1987.

Sullivan/Hall believe that, at a minimum, they should be entitled to irrigate 283 acres of there property. This acreage is in Custer County and the non-irrigated portion is in Lemhi County adjacent to Big Creek.

CRAIG L SAXTON

January 14, 2010

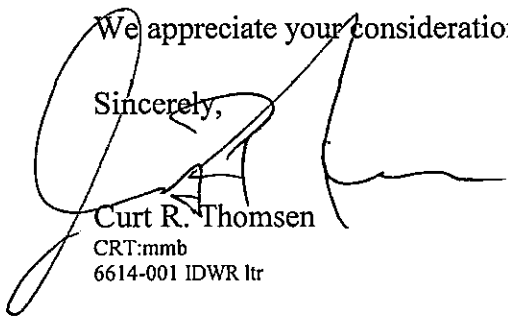
Page2

If the Department would like to work on a stipulation relating to the acreage, we would be happy to discuss it further to resolve that issue.

My clients are still reviewing the matter of 4.6 CFS vs. 6.4 CFS. It would help my understanding if you could distinctly explain why the Department believes that my clients do not have a water right to 320 inches of water (6.4 CFS) under all of the circumstances, even though they bought 320 acres with a warranted 320 inches of water.

We appreciate your consideration of these matters.

Sincerely,



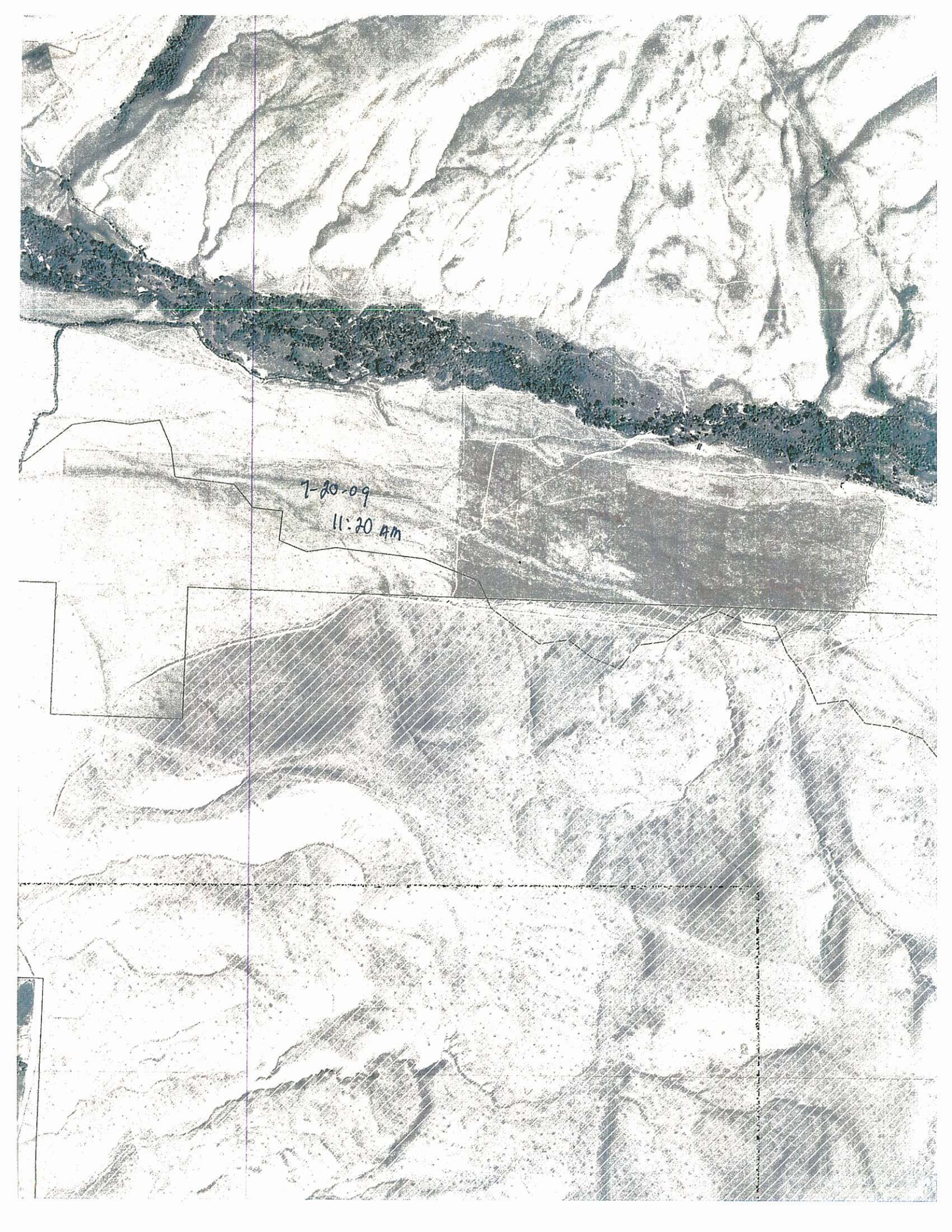
Curt R. Thomsen

CRT:mmmb

6614-001 IDWR ltr

Enclosures

Cc: Robert & Dawn Sullivan
Garney & Victoria Hall
IDWR counsel



7-20-09

This is an aerial photograph of a landscape. A river flows horizontally across the upper portion of the image. Below the river, a large area is filled with diagonal hatching lines, extending from the center towards the bottom right. A handwritten date '7-20-09' is located in the middle-left section of the image, just above the hatched area. A thin black line outlines a rectangular region within the hatched area. A vertical purple line runs through the left side of the image, and a horizontal dashed line runs across the middle. The terrain appears to be a mix of water, land, and possibly vegetation or agricultural fields.

11:20 am

99-39



99-97

Big Cr.

1946



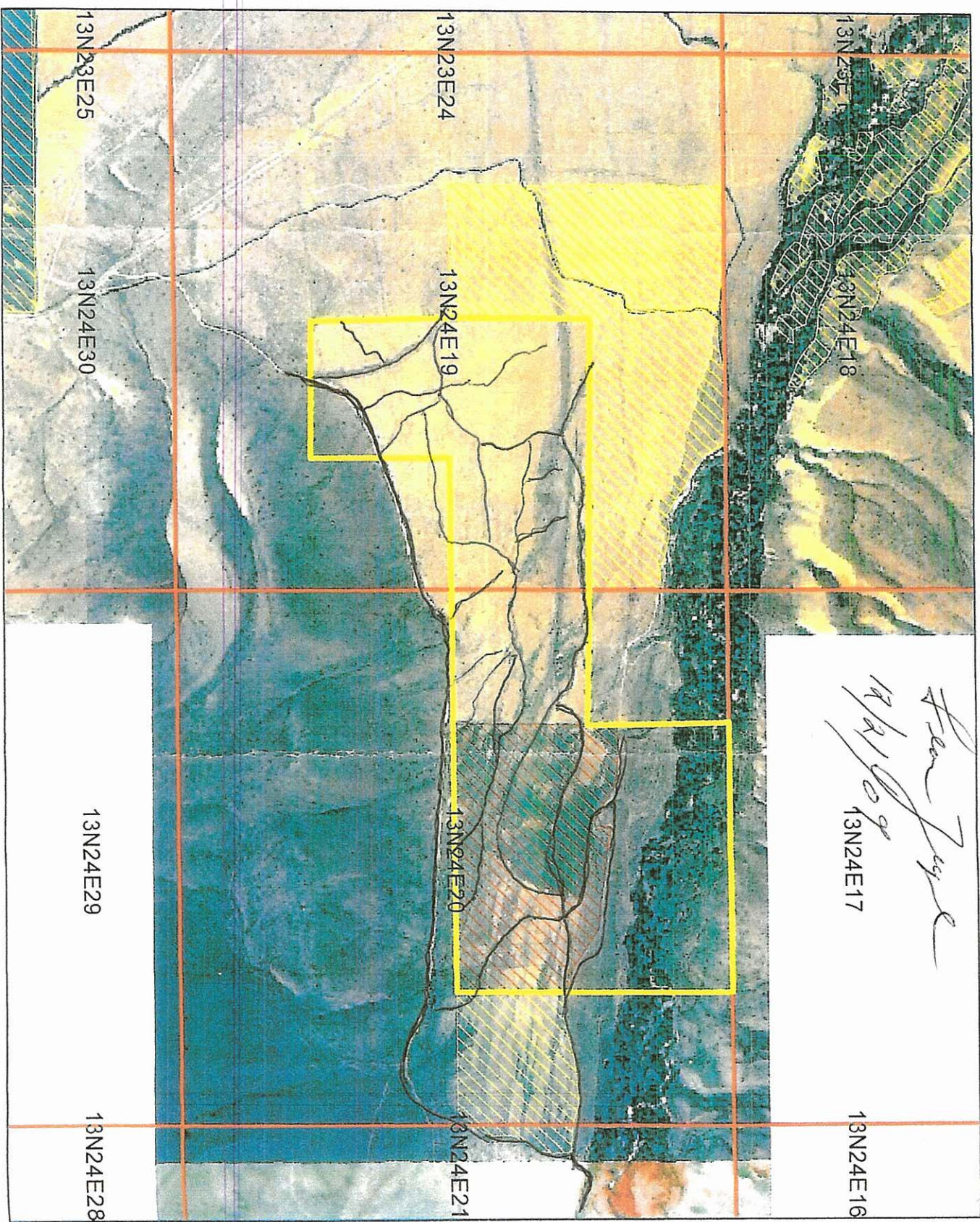
10703

SULLIVAN PROPERTY



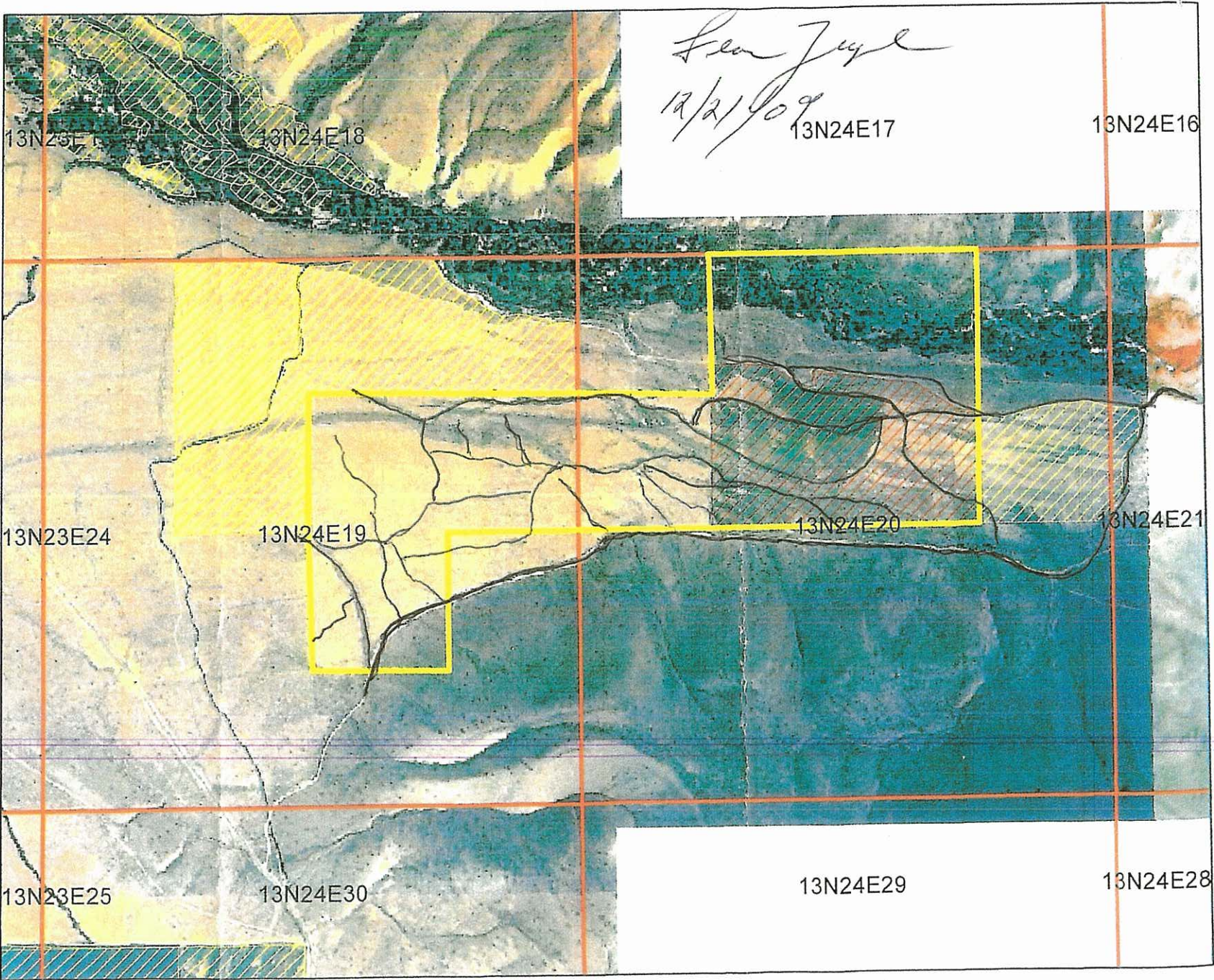
-legend

- Property_Line
- 73-12037_POU
- POURec
- Section_Lines



Ken Lee
12/2/09

SULLIVAN PROPERTY



Legend

- Property_Line
- 73-12037_POU
- POURec
- Section_Lines

