

March 27, 2017

Shelly Davis
Barker Rosholt & Simpson
1010 Wallace Jefferson, Suite 102
P.O.Box 2139
Boise, Idaho 83701

Re: Settlement Offer

Dear Mrs. Shelley Davis:

I am writing you regarding the settlement offer received February 28th 2017. We do not accept the settlement offer from your clients.

In your letter you say we rejected your offer with no explanation. The following reasons are our basis for rejecting the offer:

(First) Spring 1 on Mr. Henley's property was dug in 1964 and is directly piped into Leonard Wallace's house. The spring does not produce as much pressure as it did before the Henley's built their home.

(Second) We are not sure where drain field is on Mr. Henley's property.

(Third) We have been using this springs since the 1970's and we haven't really had any problems with the Henley's spring because the only thing showing on his property is a vent tube for the spring there is no access to the water on his property . We always were respectful, knowing that this is their property. The Henley's also having a well on their property for domestic use.

The final reason is probably the most important reason; we have water rights for both springs dated 1977.

(First) Spring 2 on Mr. Edward Kalinowski property, is directly piped into Mike and Sissy's home in the 1970's.

(Second) We use this domestic water everyday it is our only source of water.

(Third) Mr. Edward Kalinowski knows this because every spring we have to clean out the spring box. He also knows this because we covered it with a concrete container, putting a chain and lock on it so no one is able to remove the cover to our spring. Mr. Edward Kalinowski also has a well on his property for domestic use. This spring has been used since the 1950's, and before that by my great great grandfather



who homesteaded the property we have to this day. We do not have a well on our 3.4 access so this is our only source of water.

Regarding water right application 78 – 12445. This is an application for the ditch rights we have recently lost because Leonard Wallace did not refile in 2007 SRBA. According to the Idaho Department of Water Resources, we are allowed to file on the ditch rights for our 3.4 Acres and Leonard's one acre. We are allowed to use the ditch that flows continually through our property just like the Henley's and Edward Kalinowski are allowed to do.

I hope this explanation is sufficient for why we are rejecting your offer for settlement. If we accept your offer, we lose the rights to Mike & Sissy's only source of domestic water. According to a record of public hearing notice that was forwarded in an email, Mr. Wallace's water rights were put on the plot map for protection. We are simply requesting to save our water rights that have been in our family for over 4 generations of Wallace's. This spring is used for domestic water daily and is our only source of water. We are not developers building a subdivision. We thought we were protected because of the water line easement on the plot map. We did not realize we had to file for an easement to access our springs. We thought the developer would have done this. We're not asking to change anything except for the point of diversion to be correctly marked as it is on the plot map and that our springs are correctly filed with the Idaho Department of Water Resources.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike & Sissy Wallace". The signature is written in a cursive, flowing style.

Mike & Sissy Wallace