



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

October 29, 1998

Dennis Phillips  
Box 261  
Downey, ID 83234

**RE: DECREE TITLED THOMAS DANIELS ET AL. VS WILLIAM WOODLAND, ET AL.**

Dear Mr. Phillips:

Enclosed is a copy of the above referenced decree which you, I and Randy Budge discussed after the hearing in Downey on October 28, 1998.

I also sent a copy of the decree to Randy Budge so he can evaluate what the Malad Valley Irrigation Co. may wish to do with respect to claiming a priority of use for their 3/4 of the flow of Birch Creek in the Snake River Basin Adjudication. I suggest some sort of coordination between the owners of the 1/4 and 3/4 portions in order that a needless conflict does not arise due to different claimed priorities.

If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Glen Saxton'. The signature is written in a cursive, flowing style.

L. GLEN SAXTON, Chief  
Water Allocation Bureau

Encl: 1

c: IDWR - E. Region  
IDWR - Tim Luke



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Randall C. Budge  
RACINE, OLSON et al.  
P.O. Box 1391  
Pocatello, ID 83204-1391

**RE: DECREE TITLED THOMAS DANIELS ET AL. VS WILLIAM WOODLAND, ET AL.**

Dear Randy:

Enclosed is a copy of the above referenced decree which was entered on October 10, 1878. I am not sure that the Malad Valley Irrigation Company is the successor-in-interest to the plaintiffs in the suit, but the split of the water as one-quarter and three-quarters is consistent with the way Birch Creek appears to have been delivered for many years.

I also will send a copy of this decree to Dennis Phillips so he and the other users of Birch Creek on the Marsh Creek side can evaluate what they wish to do with respect to claiming a priority of use. I suggest some sort of coordination between the owners of the 1/4 and 3/4 portions in order that a needless conflict does not arise.

If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "L. Glen Saxton". The signature is written in a cursive style with a large, prominent 'S'.

L. GLEN SAXTON, Chief  
Water Allocation Bureau

Encl: 1

c: IDWR - E. Region  
IDWR - Tim Luke