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DEPARTMENT OF  
WATER RESOURCES

WATER DISTRICT #34  
P.O. BOX 53  
MACKAY, IDAHO 83251

Karl Dreher  
322 East Front Street  
P.O. Box 83720  
Boise, Idaho 83720-0098

Dear Mr. Dreher,

This letter is in response to Mr. McAfee's concerns about Antelope Creek. After the investigation with Mr. Burrell on Oct. 6, 2004 all water that had been diverted was shut off. Mr. McAfee indicated that he received his water on Oct. 10. But failed to mention the accompanying rainstorm that helped with that delivery. Mr. McAfee's water should have showed up within 24hrs after the shut off.

There appears to be allot of animosity that exists on Antelope Creek as far as the upper valley junior water users and the lower valley senior water users, as is the case in all of Water District #34. At the beginning of the irrigation season I had an opportunity to employ a ditch rider from the upper valley of Antelope but received a call from Mr. Bell indicating this person would not be acceptable to the lower valley water users and suggested that I should administer the water deliveries on Antelope Creek. Which was done.

After a couple of weeks in late August and Early September seeing that the only 1879 water that was being delivered was approximately 50 inches being diverted into Mr. McAfee's head gate and the other 1879 water rights were undeliverable to their points of diversion I allowed some junior water rights to be diverted in the upper valley in mid September. I was under the assumption that if a water right was undeliverable it went to the next right in time, which apparently was not the correct assumption. This was most likely your decision to be made but in knowing what your requirements for a futile call are and with no adequate measuring device on any part of Antelope Creek to supply you that information I may have over stepped my authority. I apologize for that action. Hopefully we can all learn from our mistakes. It is unfortunate that it happened but it did and was remedied.

I might point out that during this most trying irrigation season for all of us that the department issued a cease and desisted order dated July 22, for the ground water users in District #34 under the mitigation request without any consultation with myself or Mr. Schaffer manager of the Big Lost River Irrigation District as to how long the storage water would last. Some of the decisions that we are confronted with are not always handled as well as they could be. It appears that we all have room for improvement.

It's unfortunate That Mr. McAfee feels that a free for all is what has occurred on Antelope Creek and throughout Water District #34. I would hope that he would have enough concerns to run for the upcoming vacancy in this position for next irrigation season and become a part of the solution.

As far as any water user on Antelope being a personal friend of mine I can assure you that these people are only acquaintances through the distribution of their water. I

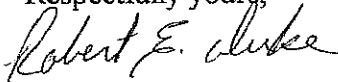
have no personal friends on Antelope Creek, although I have known who these people are for some time including Mr. McAfee.

Water District #34 I consider to be a very poor district. There is not enough money available to make any of the Ditch riding positions attractive enough to lure anyone with any long-term intent to the jobs. We don't even pay any unemployment to any position in this District. Until the water users in this District are willing to pay for the type of performance they expect they will always be in their existing position.

From what I have witnessed on Antelope Creek I would suggest to the Department of Water Resources that they take into consideration making Antelope Creek it's own Water District with its own budget, starting out in the \$10,000 per year range. I would also suggest that there should be at least three measuring devices on Antelope Creek Itself in order to actually know what losses occur in what areas.

I would hope that in knowing that I have not intention of running for this position again would be satisfaction enough to the Director and Mr. McAfee to allow me to finish out my term. I have witnessed enough ugliness in Water District #34 to last me for the rest of my days.

Respectfully yours,

A handwritten signature in cursive script that reads "Robert E. Duke".

Robert E. Duke

Watermaster Water District #34