

Western Legends LC

Post Office Box 737
Hagerman, Idaho 83332

January 21, 1998

Telephone (208) 837-6641

Via Fax (208) 327-7866

Tim Luke
Idaho Department of Water Resources
1301 Orchard Street
P. O. Box 83720
Boise, ID 83720-0098

Re: Threatened Cut Back in Water Delivery - Curren Ditch

Dear Mr. Luke:

This letter is written in response to your letter of December 30, 1997. We strongly object to your stated plan to cut back on the delivery of water to Spring Valley Ranch. The reasons for our objection are set forth below:

The 1932 Decree allocated 15 cfs to our property for uses described therein. Your letter seems to be an attempt to reduce our claims to water without the burden to the Department of Water Resources of any legal process. We believe that your contemplated action is arbitrary and capricious.

We believe that it would be helpful to our understanding for you to clarify the rationale for attempting this reduction in water delivery. I assume that the reason is the same that you stated for conducting the inspection and report namely to "follow up on diversion which had been raised and confirmed a year ago." What authorized water rights were confirmed last year? Do you mean to imply that somehow right 36-0004 has been confirmed at some level other than 15 cfs? What process have you undertaken to confirm water rights? What relevance does your confirmation have to the Snake River Basin Adjudication? I think that these are important questions especially in light of your contemplated action to take away our water rights without due process of law.

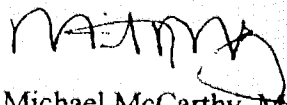
I recall that last year you attempted to reduce our winter water in response to a "call" from Aqua-Life. Does your attempt to reduce our winter water have anything to do with last year's call even though you do not mention it in your letter? If so that would raise arguments that would be relevant to our object.

There currently is barely enough water for livestock on the east side of Spring Valley Ranch which is feed from the Curren Ditch.

Should any damage to our pipeline occur, or should water cease to flow for livestock use, we will hold the Department of Water Resources liable for any damages to the waterpipe, as well as costs in relation to loss of livestock as a result of the reduction of water.

Very truly yours,

WESTERN LEGENDS LC



Michael McCarthy, Manager

MJM:pw

cc: Nick Spencer IDWR