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DEPARTMENT OF  
WATER RESOURCES

March 28, 2015

To: Tim Luke  
c/o The Idaho Water Center  
PO Box 83720  
Boise, Idaho 83720-0098  
Phone: (208) 287-4800

Dear Mr. Luke,

I talked to you last year re: our subdivision water management issues. This February 2015 Jerold Wallace and Lee Lieberman have reached a stipulated agreement that the mainline shared by them, myself, and Andrea Clifton (previously Andrea Avery) will stay in place.

That resolved one issue but we still need to have a lateral ditch manager. Last year Dave McFarland, a former Carmen watermaster was our lateral ditch manager. He took the job as a favor to us and he did an excellent job. He charged \$50/trip to the ditch and billed us according to our percentage of the water rights. We would all like to have him back again but he has declined for a variety of reasons – (1) he is semi-retired and doesn't need or want the work, and (2) because of the animosity between the ditch users, although he says we were all respectful of him.

Brian Keller, our current watermaster said he would be the lateral manager in 2015 if we would approve a land exchange between him and Jerold Wallace. Wallace, Andy Clifton, and I agree those terms are not acceptable.

Brian uses Andy's pasture for his livestock. In 2013 he said he would take the job as lateral ditch manager but he made it contingent on other demands we were also unwilling to accept.

In lieu of another person willing to be our lateral ditch manager in 2015, Jerold Wallace has offered to do the job and manage it in the same way that it was managed by Dave McFarland (i.e. according to water rights), and for the same fee schedule.

Andy Clifton and I have voted in favor of Wallace. Clifton, Wallace, and I hold 63% of the water rights delivered from the POD by the common ditch.

Don Halverson, Jack Ellis, and Lee Lieberman have the other 37% of the water rights delivered from the POD by the common ditch.

Lee Lieberman has an alternative POD downstream which allows him to get water from a solely-owned ditch. He takes water from both PODs.

I'm writing to ask if Wallace, Clifton, and I have the legal right as the majority of the water right holders to appoint Jerry Wallace as the 2015 lateral ditch master. No one has suggested this to Ellis, Lieberman, or Halverson yet but I am certain Ellis and Lieberman will be angry and dead set against it.

The Liebermans live in Scottsdale, Arizona and have had a deal with Jack Ellis' son Dave Ellis to run his cows on their pasture in the subdivision in exchange for him doing their irrigating. In January this year, I won a suit against Ellis and Lieberman for breaking the no commercial livestock covenant in the subdivision; a covenant Jack Ellis attached to our properties when he sold them to us. Jerry Wallace was my co-plaintiff.

**PLEASE ADVISE AS SOON AS POSSIBLE.**

Thank you,



Lucy Littlejohn  
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February 1, 2015

To: James Cefalo  
IDWR  
900 N. Skyline Drive, Suite A  
Idaho Falls, ID 83402-1718  
(208) 525-7161

Dear Mr. Cefalo,

The judge found in my favor regarding the original subdivision covenants complaint Jerold Wallace and I filed regarding the Ellis (Beaverhead Livestock) and the Kellern (Keystone Ranch) commercial livestock that were being grazed on the Ellis, Lieberman, and Clifton (Avery) properties in violation of the no commercial livestock covenant. The Ellises and Liebermans requested a reconsideration of the judgment; again, the judge has stated no commercial livestock is permitted in the subdivision.

The Lieberman-Ellis counterclaim regarding the irrigation mainline against Jerold Wallace was filed because of the covenant case. Ann Lieberman in her deposition said they had no damages as a result of Wallace's action. Lee Lieberman did not participate in the depositions because of his purported dementia. This case was recently settled by a stipulation agreement between Lieberman and Wallace, and the trial date has been vacated (attached).

Jack and Diane Ellis had to drop out of the counterclaim when they testified in depositions that the mainline did not / could not deliver water to their property.

Now I believe IDWR can move forward regarding the wastewater applications filed by myself and Jerold Wallace.

I'm also including the emails that have been generated regarding my request for a 2015 water association meeting and selection of a lateral ditch manager. Dave McFarland was our lateral manager in 2014 and did an excellent job. As you will see in the emails, the association members are no more willing to cooperate with one another than they were a year ago, and Dave McFarland is still deliberating on whether or not to accept the position this year.

I have not heard from any association members since January 24. I did see Dave McFarland's wife at yoga on Monday (1/26) and she said Diane Ellis had called to ask Dave to be the lateral manager. I'm hoping we can resolve this issue ourselves and we don't need to involve IDWR.

Sincerely,



Lucy Littlejohn  
PO Box 193

*James Cefalo told me to contact you  
in the Boise office re: lateral ditch manager  
questions*