



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

September 17, 2003

JR Simplot Company
Gray A. Young
Vic Conrad
PO Box 27
Boise, ID 83707

Re: SRBA Subcase Nos. 43-103B, 103C and 11263

Dear Mssr. Young and Conrad:

I received an email message September 16, 2003, from Mr. Conrad stating that you believe IDWR should file Motions to Set Aside Partial Decree Nos. 43-103B and 43-11263. However, as discussed with you previously, because IDWR is not a party to the SRBA, IDWR does not have the authority to file motions with the Court. See I.C. § 42-1401B (Director of IDWR's role is limited to an independent expert and technical assistant and the Director "shall not be a party to an adjudication.")

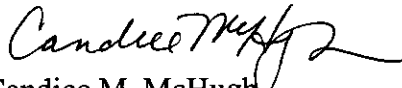
In our previous conversations, I offered to review an affidavit prepared by Simplot for IDWR Senior Water Resource Agent Kelly Christensen's signature to accompany any motion(s) filed by Simplot. The affidavit would acknowledge that 1.1 cfs could have been recommended to Simplot under water right number 43-103C pursuant to the deeds conveying the property.

You are also welcome to copy and use any documents from the claim files to include with your motion. You may be interested in a copy of a table in the water rights claim file for 43-99A. I believe that Mr. Conrad is familiar with this table and has reviewed it before, including during the notice of error period last summer, and earlier this spring. It shows that 43-103 was split into 43-11263 and may be helpful to you.

Again, IDWR will not be filing any motion to set aside partial decrees with the SRBA Court. My offer to review an affidavit prepared by Simplot for Mr. Christensen's signature to accompany any motion Simplot may file is still open. This is common

practice with all claimants in the SRBA and IDWR extends this courtesy to Simplot as it would any claimant in the SRBA.

Very Truly Yours,


Candice M. McHugh

cc: Phillip J. Rassier
Susan E. Hamlin Nygard
David R. Tuthill, Jr.
Kelly Christensen