

September 17, 2004

Diana Delaney
Case Administrator of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

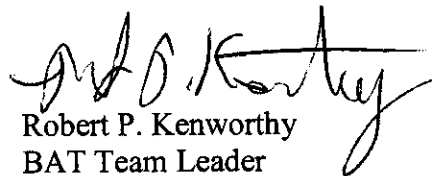
Re: Amended correction to Attachment #2 of the Stipulation and Joint Motion for Order Approving Stipulation and Entry of Partial Decrees and associated settlement documents concerning Wild and Scenic Rivers Act Claims, Consolidated Case Number 75-13316, (encompassing Subcases 75-13316, 77-11941, 77-13844, 78-11961, 81-10472, 81-10513, and 81-10625)

Dear Diana:

Enclosed is an amended corrected page 5 to be inserted in Attachment 2 of the Stipulation and Joint Motion for Order Approving Stipulation and Entry of Partial Decrees concerning Wild and Scenic Rivers Act Claims. The corrected page we sent you on August 25, 2004 has the same content but does not have the correct footer. As with the correction sent earlier, the correction is to the spelling of "subordination" in the beginning of the first paragraph.

Please feel free to give me a call (208-331-5905) if you have any questions.

Sincerely,



Robert P. Kenworthy
BAT Team Leader
USDA Forest Service

cc: Parties listed on the certificate of mailing for W&SR Claims

Enclosure(s)

(B) In addition to the 60 cfs of subordination specified in subparagraph (A), above, a combined total of 5 cfs of diversions within (i) the east side of Monumental Creek basin upstream from and including the Mule Creek basin, to and including the Coon Creek basin; and (ii) the west side of Marble Creek basin upstream from and including the Cornish Creek basin to and including the Sunnyside Creek basin; all as described on the map attached as Exhibit A, for any commercial or industrial uses, including storage of any portion of such 5 cfs for commercial or industrial use, provided that the total cumulative storage reservoir capacity established under the subordination described in this subparagraph (B) shall not be greater than 100 acre-feet.

(C) Water rights of the United States, instream flow water rights, nonconsumptive water rights and replacement water rights shall not be deducted from the subordination amounts identified in this paragraph (5) for future rights. Nonconsumptive water rights mean all beneficial uses of water having these characteristics: i) the use involves no diversion from the designated reach of the Wild and Scenic River as identified in this Partial Decree; ii) all return flows from the use accrue to the Wild and Scenic reach; and iii) the use does not cause a depletion or a change in timing of the flow (other than incidental evaporation or seepage) as determined at the point(s) of return, whether or not the depletion or change in timing can be measured within the designated reach. Examples of such uses include: i) run-of-the-river hydroelectric facilities; ii) fish propagation uses; and iii) other similar uses. Replacement water rights means all irrigation appropriations issued for the same purpose of use and place of use covered by an existing water right with no increase in period of use, diversion rate, and, if applicable, volume of water. To be considered a replacement water right: i) no element of the new appropriation may exceed that of the original water right; ii) only the original or the replacement water right or part of each water right may be used at the same time; and iii) the