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Department of Water Resources
Eastern Region

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September 29, 2004

Jeanette Wolfley, Attorney
202 N. Arthur,
Pocatello, ID 83204

please file.

Subject: SRBA Case No. 39576, Subcase No. 29-13418 (Water Right)

Dear Ms. Wolfley:

During our settlement conference on July 28, 2004, I was requested to provide an affidavit with statements regarding the actual use of the spring water related to the above referenced water right. Specifically, I was asked to provide water use information during the time period between 1931 and 1987. It was agreed that if I provided such information the Tribes would accept a negotiated priority date of February 27, 1869 for water right 29-13418. It was further agreed that, without the affidavit, a negotiated priority date of April 1, 1909 would be accepted. I have not obtained the requested affidavit and am agreeable to accept the April 1, 1909 priority date.

I believe this letter will suffice to settle the contest regarding water right 29-13418. I hope to receive verification of the settlement from the Tribes, the Court and/or the Idaho Department of Water Resources.

Sincerely,

Thomas W. Mullican

Thomas W. Mullican

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McCammon, ID 83250
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cc: Roger Warner, Idaho Department of Water Resources, Idaho Falls