

October 17, 2005

Roxanne Brown
Senior Water Resource Agent
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83707-9815

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DEPARTMENT OF
WATER RESOURCES

REF: CIVIL CASE NUMBER: **39576**

Dear Ms. Brown:

In response to your letter of June 29, 2005, we have researched the background of Water Right Number **75-10827 (T22N R22E S08)**, which is currently listed as a Beneficial Use claim. Your letter indicated that we need to submit evidence supporting the priority date of 4/01/1915.

We met on September 10, 2005, with Jack Ellis, the contract employee for water claims in the Carmen Creek area. He indicated that our water right is part of the high-water filing made in 1982 by ranchers in the Carmen Creek drainage. Mr. Ellis also told us that Dave McFarland, Water Master for the Carmen Creek drainage, is writing a letter that establishes the basis for our claim and the rest of the claims associated with that filing, including the basis for the priority date.

Also in response to your letter of June 29, 2005, we have researched the background of Water Right Numbers –

75-10061AK (T22N R22E S08)

75- 10062AJ (T22N R22E S08)

75- 63C (T22N R22E S08)

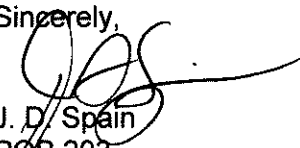
and was advised by yourself, as well as MR. Ellis, that these are DECREED rights, and should not be in jeopardy of loss by us.

All of the above rights (total four) are in the names of James D. Spain and Geraldine Spain.

If this information is not sufficient to allow you to further process this claim, please let us know, as you indicated.

Thank you for your time and consideration.

Sincerely,


J. D. Spain
POB 203
Carmen, ID 83462