



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

September 13, 2006

Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405

RE: SRBA Claim No. 24-10051 (Hild)

Dear Kent:

Cindy Bird at IDWR's office in Soda Springs has forwarded your letter to her dated September 6, 2006. We have been working on the issues involved in this water right. It is anticipated that the Preliminary Director's Reports for Basin 24 will be sent out on September 15, 2006. Given the short time frame, and a number of questions involved with this claim, this water right will be recommended as disallowed. This is procedural only; it is not a final determination of disallowance. We will continue working through the issues involved in this claim during the Notice of Error process.

We need to do additional work on this end to determine whether any water users downstream on Stump Creek and below will be affected if IDWR recommends this right as claimed in the Amended Notice of Claim. Also, by reviewing the layout for this claim, it appears that there is an unnamed stream that runs through the ponds. Could you verify if this is indeed the fact with your client? We need to make certain that the correct source is being claimed. We also need to determine whether the unnamed stream is providing water to the pond. Additionally, we need to address further with you the location of the land Ms. Hurd is referring to in her affidavit as having been developed by her father.

We look forward to working with you in resolving the issues. Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink that reads "Nick Spencer".

NICHOLAS B. SPENCER
Deputy Attorney General, IDWR

cc: Cindy Bird