



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

November 21, 2006

Special Master Brigitte Bilyeu  
SRBA District Court  
PO Box 2707  
Twin Falls, ID 83303-2707

Re: Basin 21 Silkey Canal water rights

Dear Special Master Bilyeu:

Pursuant to the court's request at the initial hearing held on November 16, 2006 in St. Anthony, attached please find a list of the water rights, which are delivered through the Silkey Canal. It was brought to IDWR's attention through subcase discussions, that due to various splits, plus the nature of the objections, the water rights on this canal should be set aside and proper notice be served upon all of the claimants to involve them in settlement negotiations.

The contested rights are identified separately so that the hearings may be grouped together. Also identified on this list are six (6) subcases where Standard Forms 5 were signed on private and/or federal objections and a list of late objections. It is our desire that you wait to issue your Special Master's Reports and Recommendations on the SF 5s until it is certain that there will not be an issue with the quantity for all of the rights on this ditch.

If you have any questions regarding the attachment, please feel free to call me at: 287-4813.

Sincerely,

A handwritten signature in black ink, reading "Nick Spencer", is written over the typed name.

Nicholas B. Spencer  
Deputy Attorney General

NBS/bh  
Attachment  
cc via email: Ernest Carlsen  
Trent Galbraith

**Attachment to November 21, 2006 letter  
Basin 21 Silkey Canal water rights**

**Uncontested rights:**

|          |                           |                                      |
|----------|---------------------------|--------------------------------------|
| 21-53D   | Don Mickelsen             | uncontested overlap to 21-12842      |
| 21-106A  | The Silkey Canal Water Co |                                      |
|          | Tri Angle B Ranch         |                                      |
|          | Loosco Farms              |                                      |
| 21-2120  | Sidney H Eliason Trust    |                                      |
| 21-7160  | RLF I, et al.             |                                      |
| 21-10320 | Sidney H Eliason Trust    |                                      |
| 21-12860 | John Ritchie Seely        |                                      |
| 21-12861 | Larry & Kristen Simmons   |                                      |
| 21-12864 | John Ritchie Seely        | uncontested overlap with 21-12990    |
| 21-12865 | Larry & Kristen Simmons   |                                      |
| 21-12977 | Loosco Farms              |                                      |
| 21-12987 | Michael & Carla McDonald  |                                      |
| 21-12988 | Michael & Carla McDonald  |                                      |
| 21-12989 | Sid Eliason               |                                      |
| 21-12993 | Norman Douglas            | uncontested overlap with 21-12951    |
| 21-12998 | Larry & Kristen Simmons   | late claim not yet reported to court |
| 21-13008 | Alan & Brenda Opsahl      |                                      |

**Contested rights:**

|          |                         |                                    |
|----------|-------------------------|------------------------------------|
| 21-41G   | Portia & Lynn Loosli    | initial hearing held on 11/16/2006 |
| 21-51B   | Portia & Lynn Loosli    | initial hearing held on 11/16/2006 |
| 21-114C  | Donna & Robert Fuchs    | initial hearing held on 11/17/2006 |
|          |                         | BLM and private objections         |
| 21-115A  | Donna & Robert Fuchs    | same as above                      |
| 21-115B  | Donna & Robert Fuchs    | same as above                      |
| 21-12358 | Portia & Lynn Loosli    |                                    |
| 21-12842 | Don Mickelsen           |                                    |
| 21-12978 | Loosco Farms            | initial hearing held on 11/16/2006 |
|          |                         | BLM and private objections         |
| 21-12980 | Michael & Laura Dolezal |                                    |
| 21-12981 | Michael & Laura Dolezal |                                    |
| 21-12985 | Donna & Robert Fuchs    |                                    |
| 21-12991 | Donna & Robert Fuchs    |                                    |

**Late objections:**

|          |                     |
|----------|---------------------|
| 21-10587 | Wilcox Brothers LLC |
| 21-10588 | Wilcox Brothers LLC |
| 21-12951 | Norman Douglas      |

**Standard Forms 5 signed:**

|          |                     |
|----------|---------------------|
| 21-93    | RLF I, et al.       |
| 21-146   | RLF, I, et al.      |
| 21-145   | RLF I, et al.       |
| 21-12990 | John Ritchie Seeley |
| 21-12992 | RLF I, et al.       |
| 21-13013 | RLF I, et al.       |