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DEPARTMENT OF
WATER RESOURCES



WRD/IDWR/WRBA
TWIN FALLS, ID, IDAHO
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STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

February 9, 2007

Special Master Theodore Booth
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: *Subcase Nos. Errors in 61-349, 61-353, 61-356, 61-357, 61-2242,
61-2243 and 61-7231 – Pitchfork Ranch LLC*

Dear Special Master Booth:

This letter confirms our conversation on this date wherein I advised the court that a portion of the place of use remark was inadvertently placed on the Special Master's Report and Recommendations for the above-referenced water right numbers.

The error occurred because the NCAP filed by the Idaho Department of Water Resources (IDWR) for the Pitchfork Ranch LLC subcases included only the new owner's name and address. If IDWR had prepared complete revised water right descriptions for each of these rights at the time the NCAP was filed, it would have deleted the following condition in the place of use element since the transfer proceeding was complete, making it unnecessary:

"The total annual field head gate volume and the total acreage limitations in this condition may be amended administratively upon a determination by the SRBA Court that the place of use for the portion of right 37-4112 appurtenant to the place of use described above is different than the place of use for right 37-4112 as described in the final decision approving transfer 68533."

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February 9, 2007
Page Two

Mr. James Speck, attorney for Pitchfork Ranch LLC, agrees that this condition should be removed from the Special Master's Report and Recommendation and therefore, should not appear on the partial decrees.

If you have any questions, please call me at 287-4814.

Very Truly Yours,


Becky J. Harvey
Paralegal

cc: James P. Speck