

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO

THEODORE R. BOOTH
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**DEPARTMENT OF
WATER RESOURCES**

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

March 15, 2007

John Marshall
Givens Pursley LLP
PO Box 2720
Boise, ID83701

RE: Subcases 63-1284 and 63-3261, Harris Ranch Owner's Association

Dear Mr. Marshall:

This letter is in response to your correspondence dated March 13, 2007, wherein you inquire whether there is any prohibition as to your participation in the above-captioned subcases in your capacity as a homeowner and member of the board of director's of the claimant rather than in a capacity of retained legal counsel. Upon a review of the relevant Rules of Professional Conduct and Idaho Statutes, my answer is that you may properly represent the claimant corporation in the SRBA irrespective of whether you are wearing your "retained counsel" hat or your "member/homeowner" hat.

In particular, I reviewed Idaho Rule of Professional Conduct 5.5 (Unauthorized Practice of Law) and Idaho Code § 3-104 (Practicing without license a contempt), and it appears that as long as you are licensed to practice law in the state of Idaho, the manner in which you style your relationship with your client is not material.

Please be advised, however, that no matter which "hat" you are wearing, all of the applicable obligations and duties contained in the Idaho Rules of Professional Conduct will apply to your representation of the claimant corporation.

Sincerely,

A handwritten signature in black ink that reads "Theodore R. Booth".

Theodore R. Booth
Special Master

cc: Nick Spencer
Albert Barker