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TELECOMMUNICATION COVER PAGE

3 pages including cover page

TO: J. Will Varin @ GIVENS PURSLEY --388-1300
Nicholas B. Spencer - IDWR -- 287-6700

FROM: Kimbell D. Gourley/Reid W. Hay

DATE: October 6, 2008

RE: SRBA Case No. 39576; Subcase 63-7539

DOCUMENTS SENT:

NOTES:

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Kimbell D. Gourley/ISB #3578
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Attorney for Craig Whitted

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

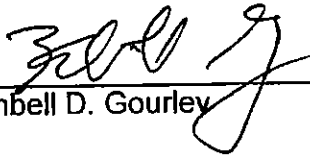
In re: SRBA	)	
	)	Subcase No.: 63-7539
Case No. 39576	)	
	)	CRAIG WHITTED'S STATEMENT RE:
	)	ADJUDICATION OF THE
	)	PRESCRIPTIVE EASEMENT CLAIM

Craig Whitted, pursuant to the court's September 17, 2008, Order submits his statement regarding the prescriptive easement/adverse claim asserted by the Claimant, Sarah Jane Smith:

1. Counsel has had discussions with John Marshall regarding this issue, but no mutual agreement has been reached by the parties on how to proceed; and
2. Craig Whitted intends to proceed with the quiet title action outside the SRBA in the District Court of the Third Judicial District for the State of Idaho, in and for the County of Canyon.

DATED this 6th day of October, 2008.

TROUT ♦ JONES ♦ GLEDHILL ♦ FUHRMAN, P.A.

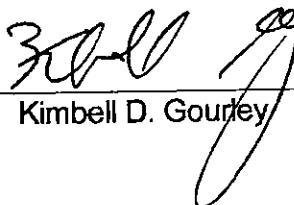


Kimbell D. Gourley

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of October, 2008, a true and correct copy of the foregoing document was served as follows:

John M. Marshall J. Will Varin GIVENS PURSLEY LLP PO Box 2720 Boise, ID 83701-2720	☐ First Class Mail ☐ Hand Delivery ☒ Facsimile ☐ Overnight Delivery
Idaho Department of Water Resources, c/o Nicholas B. Spencer 322 E. Front Street Boise, Idaho 83720	☐ First Class Mail ☐ Hand Delivery ☒ Facsimile ☐ Overnight Delivery



Kimbell D. Gourley