

December 30, 2008

RE: WR 74-445

M Mae Miller
210 North Lemhi Road
Salmon, Id 83467-4527

Dear Mr. Miller,

I'm writing this in response to the letters submitted to the Snake River Basin Adjudication (SRBA) court and the order granted to set aside the partial decree. The department cannot change the recommendation for this water right for two reasons. The first reason is that the recommendation reflects the claim and I have enclosed a copy of the claim. The department would need an amended claim in order to change the recommendation. The second reason is that the recommendation is the same as the Lemhi Adjudication Decree. The department is barred by res adjudicata from changing a water right decreed in the Lemhi Adjudication which was completed in December of 1982. I have enclosed a copy of this decree for your convenience. If you have any questions or concerns please feel free to contact me at the number listed below.

Respectfully Submitted,

Nate Arave
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