



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

January 16, 2009

Diana Delaney
Snake River Basin Adjudication District Court
253 3rd Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

RE: Subcases 75-10330, 75-14381 and 75-14383

Dear Diana:

I am writing regarding the above referenced water rights from Wallace Creek in Basin 75. As you are aware, it is a common policy of the Idaho Department of Water Resources ("Department") to ask the Snake River Basin Adjudication ("SRBA") District Court to hold back certain water rights from partial decree until objections to other water rights from the same source are resolved. These three water rights are linked to a series of objections to other water rights from Wallace Creek and should have been identified by the Department as overlapping water rights to be held back from decree. The Department has recently realized that it failed to ask the SRBA Court to hold back these water rights and that the water rights have gone to partial decree. The Department requests that SRBA Court set aside the partial decrees for these rights so that the Department can ensure that all water rights from Wallace Creek are properly recommended to the SRBA Court.

Thank you for your consideration in this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Baxter", written over the printed name.

GARRICK BAXTER
Deputy Attorney General
Idaho Department of Water Resources

cc: William Maxwell
Fredde Howarthe-Nott Separate Property Trust