

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

April 16, 2009

Ray W. Rigby
25 N. 2nd E.
P.O. Box 250
Rigby, ID 83440-0250

RE: SRBA Subcase Nos. 22-180A, 22-365, 22-575A & 22-2057 (Zohner)

Dear Ray:

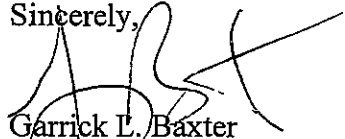
I am writing to follow up on these subcases. On November 10, 2008, a Standard Form 5 ("SF5") was sent to you for each of the above-referenced subcases, consistent with the Department's discussions with your client, Gary Zohner. Water right numbers 22-365, 22-575A and 22-2057 are uncontested overlapping rights that require adjustment to resolve the objection to water right number 27-180A.

On November 24, 2008, 22-365, 22-575A & 22-2057 (the uncontested overlapping water rights) were partially decreed. Accordingly, on February 24, 2009, I sent a letter to Judge Melanson requesting that those partial decrees be set aside. On February 26, 2008, Judge Melanson issued an *Order of Reference Appointing Special Master Bilyeu*. Special Master Bilyeu has advised that if she receives SF5s for the uncontested overlapping rights, she will issue her Special Master's Report and Recommendation consistent with the SF5s.

On March 17, 2008, I spoke to you over the telephone concerning these water rights. You indicated that you were going to speak with Mr. Zohner to see if the SF5s were acceptable. Have you had the opportunity to discuss the SF5s with your client?

If the SF5s are acceptable, please return the signed documents to me. We can file them with the SRBA Court and attempt to vacate the hearing for these subcases set for July 29, 2009.

If you should have any questions or comments, please don't hesitate to contact me at 287-4811.

Sincerely,

Garrick L. Baxter
Deputy Attorney General, IDWR

cc: Michael Holliday