



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

September 8, 2009

Robert L. Harris
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405

RE: SRBA Subcase Nos. 22-674B, 22-674C, 22-674D & 22-674E

Dear Rob:

I am in receipt of the *Claimant's First Set of Requests for Admission and Discovery Requests* in the above reference subcases. The Department is in the process of collecting all documents in its possession regarding the above referenced subcases. I will provide you with copies of the documents as soon as the copies are completed. Because the Department is not a party to the Snake River Basin Adjudication, the Department will not be responding to the Requests for Admission and the Interrogatories brought under Rule 33(a) and 34 of the Idaho Rules of Civil Procedure. Rules 33 and 34 apply only to parties in the proceeding.

Under separate cover letter, I am also sending you a response to your letter of July 13, 2009 with a settlement proposal. I am going to hold off on finalizing the outstanding Supplemental Director's Report/706 report until I hear back from you regarding the settlement proposal. If you should have any questions or comments, please don't hesitate to contact me at 287-4811.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Baxter".

Garrick L. Baxter
Deputy Attorney General, IDWR