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September 22, 2009

Ernie Carlsen
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RECEIVED

SEP 24 2009

Department of Water Resources
Eastern Region

RE: Affidavits Regarding Subcase No. 35-2389, in the Name of Lyle Albertson.

Dear Ernie:

Enclosed for your records are the original affidavits of Lyle Albertson, Wes Albertson and Kortney Albertson regarding the above subcase. I discussed these affidavits with you by phone, and shared with you their contents. Based on that representation, the Amended Directors Report moved the number of acres to 358 acres, as the entire property has been historically irrigated, even the now pivot corners. I apologize in the delay in getting these affidavits back to you, but they do again confirm our previous representations to you. If you have any questions or concerns, please let me know. Otherwise, we will wait to see if any objections will be filed by anyone else regarding the recommendation. If not, we will then move forward on the violation issues that are still outstanding. We appreciate all of your assistance in this matter.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures