



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

November 20, 2009

Diana Delaney
Case Administrator
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase No. 22-13734 (Neil & Lana Kunz)

Dear Diana,

I hope to clarify some confusion that may have arisen in this subcase. On or about October 26, 2009, the Idaho Department of Water Resources ("IDWR") mailed an Amended Director's Report ("ADR") for water right no. 22-13734 to the SRBA Court and the parties. Shortly thereafter, IDWR's Michael Holliday spoke with claimant's brother, Ryan Kunz, who, as I understand, operates the relevant farm while his brother and sister-in-law are away serving a church mission. Ryan Kunz verified that the point of diversion was claimed incorrectly. Accordingly, Holliday prepared and mailed a second amended claim for Neil & Lana Kunz's review and signatures.

To promote judicial economy, I contacted the SRBA Court on October 28, 2009, coincidentally the date that the Court received the ADR, and requested that the Court return the ADR to IDWR or otherwise dispose of it in light of the forthcoming second amended claim. If and when the Court accepts the second amended claim, Holliday will prepare an ADR reflective of the correct point of diversion.

If you have any questions or comments, please contact me at 287-4810.

Sincerely,

A handwritten signature in blue ink that reads "Andrea L. Courtney".

Andrea L. Courtney
Deputy Attorney General, IDWR

Neil & Lana Kunz
Michael Holliday
Office of the Attorney General, State of Idaho
U.S. Dept. of Justice
Teton County Courthouse