



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

December 11, 2009

VIA E-MAIL and U.S. MAIL

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Re: Amended Director's Report for SRBA subcase no. 35-2019

Dear Counsel:

Based on yesterday's hearing on the motion to amend claim and status conference in this subcase, the Idaho Department of Water Resources ("Department") is seeking the following evidence in its *tabula rasa* evaluation of the historical irrigation practices related to subcase no. 35-2019. Specifically, the Department is requesting evidence of:

- Irrigation prior to November 17, 1987, from each of the three newly claimed points of diversion off Spring Creek on the claimed Place of Use and extent thereof;
- Irrigation from the three newly claimed points of diversion between 1998 to 2006 on the claimed Place of Use and extent thereof;
- Date of installation of headgate at T04S R32E Section 17 SESW in Bingham County referenced in the amended claim, and
- Extent of wetlands on the claimed Place of Use.

Please send to my attention by January 29, 2010, all additional affidavits, photos, reports, and any other materials your clients would like the Department to consider before making its recommendation to the SRBA Court. Please do not resend materials already provided in the claim file for 35-2019 or on file with the Court in this subcase. The Department will review all additional evidence provided and prepare its Amended Director's Report for filing by the end of February.

Thank you for your cooperation in this subcase. If you have questions about this matter, please contact me at (208) 287-4810.

Sincerely,


Andrea L. Courtney

cc: T.J. Budge
Don and Ruth Adams
Michael Holliday