

RECEIVED

DEC 23 2009

DEPARTMENT OF
WATER RESOURCES

RE: WATER RIGHT NO. 75-14235

December 20, 2009

Mr. Garrick Baxter
The Idaho Water Center
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098
Phone: (208) 287-4800

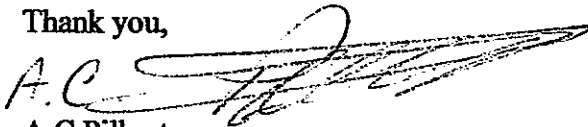
Mr. Baxter,

Please find attached a letter from me concerning the status/scheduling conference, January 14, 2010, to Special Master Terrence A. Dolan.

As explained in the letter to Special Master Dolan, I have other water rights under review by IDWR for a supplemental report. Travis Thompson, Esq. represents me for those other rights. Currently, I am representing myself for this right.

I am hopeful that your review of the brief information attached expedites a decision by the Special Master and the status of this claim will be included in the upcoming supplemental report.

Thank you,



A C Pilkerton
PO Box 23
Carmen, ID 83462
(208) 756-3016

December 20, 2009

RE: WATER RIGHT NO. 75-14235

December 20, 2009
Special Master Terrence A. Dolan
Snake River Basin Adjudication
District Court of the Fifth Judicial District of the State of Idaho
253 – 3rd Avenue North
Twin Falls, ID 83301

Special Master Dolan,

I have a status/scheduling conference scheduled in your Court on January 14, 2010 at 10:00 AM. In an effort to expedite the Court's time and possibly assist the IDWR with determining the appropriate status of my claim for this right, I am submitting to you some information from IDWR's website data base and a statement from Albert Fols, a neighbor of mine.

The reason IDWR gave for disallowing this water right, 75-14235, was; "No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant."

I currently have the status of water rights 75-10061N and 75-10062L being evaluated by IDWR for a supplemental report. I believe the field exam and examination of the evidence performed for those two rights will demonstrate a beneficial use for 75-14235. The supplemental report may be completed in January, 2010; and inclusion of 75-14235 in that report may be appropriate.

I will send a copy of this letter and Mr. Fols' statement to Mr. Garrick Baxter, Esq. with the IDWR because I understand he will either participate or know who will participate for the department at the 1/14/09 hearing. I also expect Mr. Fols to participate in case the Court or IDWR desires more information from him.

I am confident that IDWR and Mr. Baxter will determine the proper status for this right if it is returned to active status allowing thorough examination.

Thank you for your consideration of this matter.

Sincerely,



A C Pilkerton
PO Box 23
Carmen, ID 83462
(208) 756-3016

December 20, 2009

RE: WATER RIGHT NO. 75-14235

STATEMENT BY ALBERT FOLS

I, Albert Fols, am a neighbor of A C Pilkerton. We share a property boundary that is the centerline of a road easement.

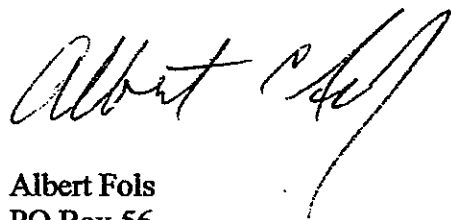
Mr. Pilkerton and I have four claims filed with IDWR for the same priority dates and, as demonstrated on IDWR's website data base, with the same respective basis for them to be allowed or disallowed.

On that same IDWR data base, I have been recommended for my priority dates of 1875, 1882, 1910, and 1915. I noticed that Mr. Pilkerton was disallowed his claim for the 1915 right and alerted him to that fact.

The diversion rate for my 1915 right, 75-14060, has recently been adjusted. I assume this is due to the current examination of other overlapping rights involved in a Court ordered supplemental report.

It is possible that Mr. Pilkerton's 1915 right, 75-14235, would be allowed during the same examination.

These statements are true and accurate to the best of my knowledge.



Albert Fols
PO Box 56
Carmen, ID 83462

December 20, 2009