

Law Offices of
BAKER & HARRIS

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April 9, 2010

Peter C. Monson
Managing Attorney Denver Field Office
U.S. Department of Justice
peter.c.monson@usdoj.gov

Re: SRBA Subcase Nos. 27-2069
B & H Matter No. 5354

Dear Peter:

This letter is in part a response to your email of March 25th, and in part follow up to the Agreement Andrea and I had reached, which I assume implicitly involved all parties having an interest in the above referenced claim.

Mr. Lake had objected to recording the Agreement until the IDWR had acted; I believe we are at a point in the proceeding where we can reasonably assume that step has been completed or will be completed, and we have therefore requested the recording of the Agreement. You will find a copy of the recorded Agreement enclosed.

I have no objection to referencing the "side agreement" in a remark to be appended to or made a part of the claim. We went through this same process with respect to 27-2075. As Andrea noted in her March 29th e-mail, I understand the Department will have the opportunity to include that reference.

If we can be of further assistance in bringing this matter to a conclusion, please let us know. I greatly appreciate the cooperation and attention provided by both you and Andrea.

Very truly yours,

BAKER & HARRIS



Dwight E. Baker

DEB/ls

cc: Dennis Lake
Andrea Courtney (Andrea.Courtney@idwr.idaho.gov)

Instrument # 184971

CARIBOU COUNTY

4-2-2010 12:18:46 No. of Pages: 2

Recorded for : BAKER & HARRIS

VEDA MASCARENAS

Ex-Officio Recorder Deputy

Index to: WATER RIGHTS

WATER RIGHT AGREEMENT

This Agreement is to be effective upon the date of execution, by and between Dennis M. Lake, the "Claimant", and the United States Department of Justice.

WITNESSETH:

1. Lake is the owner of the NE1/4 SW1/4; SE1/4 SW1/4; SW1/4 SE1/4 and SE1/4 SE1/4 of Section 9, Township 6 South, Range 42 East, Caribou County, Idaho; and
2. Lake is the owner of water right 27-2069 which is appurtenant to a portion of the above described property; and
3. Certain issues have been raised in the Snake River Basin Adjudication between the parties pertaining to said water right; and
4. The parties have reached an agreement with respect to said issues.

IT IS THEREFORE Stipulated as follows:

1. The parties acknowledge the current source of water right 27-2069 is from a spring which enters the Claimant's property, and sinks back into the ground before ever reaching a waterway as such.
2. The parties agree this water right, from these sources, may never be conveyed, sold, transferred or used other than in the place of use described in this water right.

CLAIMANT

Dennis M. Lake
Dennis M. Lake

State of Idaho)

) ss:

County of Bingham)

On this 14th day of October, 2009, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Dennis M. Lake, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.



Lavan Sykes

Notary Public for Idaho

Residing at Blackfoot

My Commission Expires 5-21-2014

UNITED STATES OF AMERICA

By:

Peter C. Monson
Peter C. Monson

STATE OF

COLORADO

)

) ss:

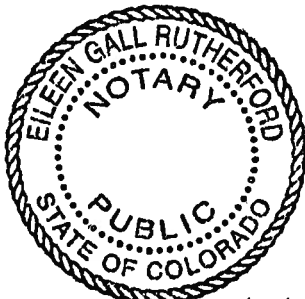
County of

DENVER

)

On this 25TH day of SEPTEMBER, 2009, before me, the undersigned, a Notary Public in and for the said State, personally appeared Peter C. Monson, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as the attorney for United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.



My Commission Expires 8/27/2012

Eileen Gall Rutherford

Notary Public

Residing at: 1961 STOUT STREET, 8TH FLOOR

My Commission Expires 8/27/2012