



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
August 20, 2010

John & Ruth Burns
PO Box 264
Carmen, ID 83462

Albert & Alvera Fols
Represented by:
Travis L Thompson
113 Main Ave W, Ste 303
PO Box 485
Twin Falls, ID 83303-0485

Re: SRBA Subcase No. 75-10061A, et.al.

Dear Mr. Burns and Mr. Fols:

At the deposition of IDWR employee Greg Taylor on August 18, 2010, Mr. Taylor indicated that, based upon certain additional affidavits submitted to the Department by Mr. and Mrs. Burns, the Department anticipates modifying its recommendations at trial. Mr. Taylor testified that based upon the additional information, he is prepared to recommend that the 1875 and 1882 exchange water rights be distributed proportionately to both the Burns and the Fols groups. In response to your request to provide information showing the anticipated split, I am providing by this letter which contains two charts showing how the Department anticipates recommending the Carmen Creek water rights at trial:

Exchange (1875) 30 inches (.6 cfs)

Water Right #			Acres	Calc CFS	Name
75	10061	A	10.9	0.059	BURNS, JOHN E ; BURNS, RUTH C
75	10061	AA	7.1	0.038	EDMISTON, RODNEY HUGH ; EDMISTON, SUSAN FRANCINE
75	10061	AC	3	0.016	CABIGAS, JOHNNY J ; GREENWAY, LANA J
75	10061	AE	2.1	0.011	CLEMENTZ, WILLIAM W
75	10061	AM	5	0.027	YOWELL, STEVEN K
75	10061	B	11.2	0.060	HUDSON, JAMES PAUL
75	10061	C	4.4	0.024	FADNESS, DANNY E ; FADNESS, ROBERTA
75	10061	J	4.1	0.022	TIPPETT, CATHLEEN ; TIPPETT, JAMES R
75	10061	N	2.3	0.012	PILKERTON, A C ; PILKERTON, LUELLA
75	10061	Q	3.2	0.017	EDWARDS, JENNIFER

75	10061	R	9.4	0.051	MATEJKO, GEORGE
75	10061	T	6	0.032	MOSHER, FRANSICKA ; MOSHER, ROBERT D
75	10061	X	1.9	0.010	HARLING, CHARLES E ; HARLING, MARY N
75	10061	Y	1.7	0.009	ERNEST, JACQUELINE D ; ERNEST, ROBERT M
75	10061	Z	6.7	0.036	MATTIS, SHIRLEY J
75	10137	A	4.4	0.024	EISENHAUER, PHILLIP G ; ERWIN, SHELLEY L
75	10137	B	4.5	0.024	HERSHEY, TERRY J ; HERSHEY, VERALYN E
75	14025		2.9	0.016	TUTOR, LLOYD A ; TUTOR, SHERYL L
75	14044		1.7	0.009	DIXON, MARCI M
75	14055		1.6	0.009	MARCIA, TRACY
75	14056		9.5	0.051	FOLS, ALBERT C ; FOLS, ALVERA C
75	14443		8	0.043	RICE, LINDA ; RICE, RICK
Total Acres			111.6	0.600	

Exchange (1882) 15 inches (.3 cfs)

Water Right #			Acres	CFS	Name
75	10062	A	10.9	0.027	BURNS, JOHN E ; BURNS, RUTH C
75	10062	AA	3	0.008	CABIGAS, JOHNNY J ; GREENWAY, LANA J
75	10062	AB	8.4	0.021	JACKSON, DONNA K ; JACKSON, THOMAS M
75	10062	AC	2.1	0.005	CLEMENTZ, WILLIAM W
75	10062	AL	5	0.013	YOWELL, STEVEN K
75	10062	C	11.2	0.028	HUDSON, JAMES PAUL
75	10062	H	4.1	0.010	TIPPETT, CATHLEEN ; TIPPETT, JAMES R
75	10062	L	2.3	0.006	PILKERTON, A C ; PILKERTON, LUELLA
75	10062	P	9.4	0.024	MATEJKO, GEORGE
75	10062	R	6	0.015	MOSHER, FRANSICKA ; MOSHER, ROBERT D
75	10062	V	1.9	0.005	HARLING, CHARLES E ; HARLING, MARY N
75	10062	W	1.7	0.004	ERNEST, JACQUELINE D ; ERNEST, ROBERT M
75	10062	X	6.7	0.017	MATTIS, SHIRLEY J
75	10062	Y	7.1	0.018	EDMISTON, RODNEY HUGH ; EDMISTON, SUSAN FRANCINE
75	10136	A	4.4	0.011	EISENHAUER, PHILLIP G ; ERWIN, SHELLEY L
75	10136	B	4.5	0.011	HERSHEY, TERRY J ; HERSHEY, VERALYN E
75	14027		2.9	0.007	TUTOR, LLOYD A ; TUTOR, SHERYL L
75	14046		1.7	0.004	DIXON, MARCI M
75	14057		1.6	0.004	MARCIA, TRACY
75	14058		9.5	0.024	FOLS, ALBERT C ; FOLS, ALVERA C
75	14388		4.4	0.011	FADNESS, DANNY E ; FADNESS, ROBERTA V
75	14441		8	0.020	RICE, LINDA ; RICE, RICK
75	14540		3.2	0.008	EDWARDS, JENNIFER
Total Acres			120	0.300	

The Department anticipates that based upon the current information, and absent any new information coming to light, Mr. Taylor will testify at trial that the Department's recommendations should look consistent with the above charts.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Baxter', written over the printed name.

Garrick L. Baxter

Deputy Attorney General

Idaho Department of Water Resources

cc: Greg Taylor, IDWR
Carmen Creek Water Users (See attached list)
David Negri, BLM

ATTACHMENT NO. 1

AC & LUELLA PILKERTON
CHARLES E & MARY N HARLING
JAMES EDGREN & JENNIFER BRADY
LLOYD A & SHERYLL TUTUOR
TRACY MASCIA

REPRESENTED BY:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

GEORGE MATEJKO
BOX 129
CARMEN, ID 83462

ROBERT M & JACQUELINE ERNEST
BOX 132
CARMEN, ID 83462

JAMES R & ROWENA D QUINN
BOX 1473
CARMEN, ID 83462

RICK & LINDA RICE
BOX 285
CARMEN, ID 83462

WILLIAM CLEMENTZ
PO BOX 225
CARMEN, ID 83462

RODNEY HUGH EDMISTON
SUSAN FRANCINE EDMISTON
PO BOX 155
CARMEN, ID 83462

JOHNNY J CABIGAS
LANA J GREENWAY
1267 MOBIL AVE
CAMARILLO, CA 93010

STEVEN K YOWELL
3509 BALLANCE CT
CHESAPEAKE, VA 23321

JAMES PAUL HUDSON
PO BOX 173
CARMEN, ID 83462

DANNY E FADNESS
ROBERTA FADNESS
PO BOX 286
CARMEN, ID 83462

CATHLEEN TIPPETT
JAMES R TIPPETT
PO BOX 15
CARMEN, ID 83462

JENNIFER EDWARDS
LOWELL EDWARDS
PO BOX 176
CARMEN, ID 83462

FRANSICKA MOSHER
ROBERT D MOSHER
54 PARMENTER RD
PO BOX 213
CARMEN, ID 83462-0213

SHIRLEY J MATTIS
PO BOX 265
CARMEN, ID 83462

DONNA K JACKSON
THOMAS M JACKSON
PO BOX 47
CARMEN, ID 83462

PHILLIP G EISENHAUER
SHELLEY L ERWIN
1306 W VISTA VIEW
WASHINGTON, UT 84780

TERRY J HERSHEY
VERALYN E HERSHEY
PO BOX 121
CARMEN, ID 83462