



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

January 28, 2011

Hon. Eric Wildman
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase No. 75-14441 & 75-14443 (Rice)

Dear Judge Wildman:

The purpose of this letter is to explain the Amended SF5s that were recently filed with the Court in the above referenced subcases.

In 2010, the parties to the above subcases reached agreement on how the exchange water rights on middle Carmen Creek should be recommended. SF5s for many subcases were circulated and signed. IDWR was recently preparing a report for the Court in a different subcase and discovered that it had failed to include a water right in the list of combined water rights for the Rice water rights. The Department had missed water right no. 75-10061P, decreed to Linda Metcalf back in 2000. Linda Metcalf now goes by the name Linda Rice.

Once the Department realized the error, the Department contacted the parties to the Rice subcases and circulated the Amended SF5s. The Amended SF5s have been signed and reflect the correct combined limit. The Department believes the correct combined limit is important to ensure that the exchange water is correctly administered. As such, the Department requests the Court set aside and amend the partial decree for water right subcase nos. 73-14441 and 75-14443 consistent with the recently filed amended SF5s.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Baxter", with a long horizontal flourish extending to the right.

GARRICK L. BAXTER
Deputy Attorney General for the
Idaho Department of Water Resources

cc: John & Ruth Burns
William Clementz
George Matejko
Robert Ernest & Jacqueline Ernest
Travis Thompson, Attorney at Law