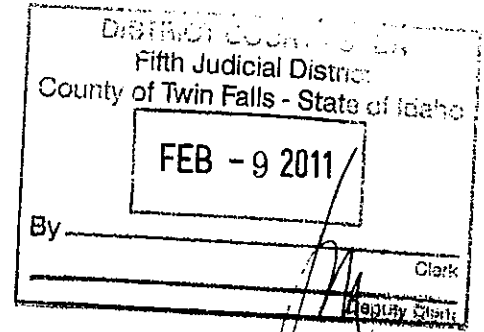




STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 7, 2011



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

RE: Subcase No. 75-04126 (R. Kozacek)

Dear Judge Wildman:

On December 19, 2008, a settlement agreement outside of the SRBA was signed by the claimants and objectors in the above-referenced subcase. The settlement agreement was subsequently recorded with the Lemhi County Recorder's Office as Instrument No. 278537.

The parties intended to have the recording number reflected in the water right. It has come to the Department's attention, however, that the instrument number mentioned above is inadvertently missing from the "Other Provisions Necessary For Definition Or Administration Of This Water Right" portion of the Partial Decrees. The partial decree currently reads:

The administration of this right is further defined and set forth in the Settlement Agreement between Russell Kozacek, Susan Kozacek, Patrick Murphy and Daryl Hull, dated December 19, 2008 and recorded as instrument number (insert number here) in the Lemhi County Recorder's Office, Salmon, Idaho.

The provision should be updated to read:

The administration of this right is further defined and set forth in the Settlement Agreement between Russell Kozacek, Susan Kozacek, Patrick Murphy and Daryl Hull, dated December 19, 2008 and recorded as instrument number 278537 in the Lemhi County Recorder's Office, Salmon, Idaho.

The Department requests the Court amend the partial decree for water right subcase no. 73-04126 by inserting the appropriate instrument number into the decree.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. L. Baxter', with a stylized flourish at the end.

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

cc: David Negri, Attorney at Law
Russell Kozacek
Patrick Murphy
Daryl Hull
Jerry Rigby, Attorney at Law