



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

February 11, 2011

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

RE: Subcase Nos. 75-63A, 75-77B, 75-2002, 75-2128, 75-4341, 75-10061AN & 75-10923
(McFarland)

Dear Judge Wildman:

On January 30, 2009, partial decrees were entered in water right subcase nos. 75-63A, 75-77B, 75-2002, 75-2128, 75-10061AN & 75-10923. The Department recently filed amended standard form 5s ("SF5s") with the SRBA Court in these six subcases. The amended SF5s were filed because these six subcases share a permissible place of use with contested water right no. 75-4341. We recently resolved subcase no. 75-4341 through an SF5 that increased the total number of acres from 280.9 to 326. Because of the change to water right no. 75-4341, the permissible place of use for 75-63A, 75-77B, 75-2002, 75-2128, 75-10061AN & 75-10923, should be amended to reflect the same permissible place of use.

The Department respectfully requests that the Court set aside and amend the partial decrees previously entered consistent with the recently filed SF5s so that the permissible place of use for all seven McFarland rights are consistent.

Sincerely,

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

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

cc: David Negri, Attorney at Law
Bruce McFarland
David McFarland
Tom McFarland