

RECEIVED

JUN 02 2011

DEPARTMENT OF
WATER RESOURCES

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY
CHARTERED**

101 SOUTH CAPITOL BOULEVARD
SUITE 208
BOISE, IDAHO 83702

TELEPHONE (208) 395-0011
FACSIMILE (208) 433-0167

WWW.RACINELAW.NET

SENDER'S E-MAIL ADDRESS: CMM@RACINELAW.NET

June 1, 2011

POCATELLO OFFICE

201 EAST CENTER STREET
P.O. BOX 1391
POCATELLO, IDAHO 83204
TELEPHONE: (208) 232-6101
FACSIMILE: (208) 232-6109

IDAHO FALLS OFFICE

477 SHOUP AVENUE
SUITE 107
POST OFFICE BOX 50698
IDAHO FALLS, ID 83405
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 529-6101

ALL OFFICES TOLL FREE
(877) 232-6101

LOUIS F. RACINE (1917-2008)
WILLIAM D. OLSON, OF COUNSEL

W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
ERIC L. OLSEN
CONRAD J. AIKEN
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
FREDERICK J. HAHN, III
PATRICK N. GEORGE
SCOTT J. SMITH
DAVID E. ALEXANDER
JOSHUA D. JOHNSON
STEPHEN J. MUHONEN
CANDICE M. MCHUGH
CAROL TIPPI VOLYN
JONATHAN S. BYINGTON
JONATHAN M. VOLYN
BRENT L. WHITING
DAVE BAGLEY
THOMAS J. BUDGE
MARK A. SHAFFER
JASON E. FLAIG
FERRELL S. RYAN, III
AARON A. CRARY
JOHN J. BULGER

Idaho Department of Water Resources
Attn: Vicki Kelly
Basin-Wide Issue 13
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Right Nos. 35-8046 and 35-8050

Dear Ms. Kelley:

This letter is in response to the Court's Scheduling Order dated May 26, 2011 in Subcase No. 00-91013. In that Order, the water user has until June 16, 2011 to provide additional documentation as to why their water rights should be included on Attachment B. I would like to direct the Department to its internal files where information is contained that substantiates that the land under these water rights have been irrigated since 1974. I would specifically direct you to the Preliminary Order that is attached with the objections dated April 18, 1997 – Conclusion of Law no. 2 page 2 and the Affidavit of Adolf, dated July 9, 1996.

In addition to those two documents, if I find any further information to support the claims, I will submit it forthwith.

If you have any questions, please feel free to contact me at the above-listed number or email.

Yours truly,



CANDICE M. MCHUGH

CMM:mt
Attachments