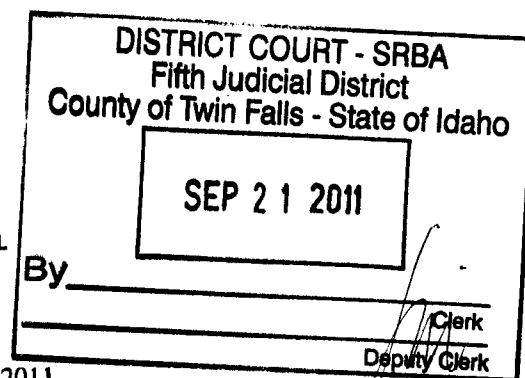




STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN



September 21, 2011

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2720
Twin Falls, ID 83303-2707
VIA FACSIMILE: 208-736-2121

RE: Water Rights on Seaman's Creek

Dear Clerk:

Water right 37-20624, with a claimed source of Seaman's Creek, was recommended for disallowal in the SRBA. The claimant, Harry S. Rinker, filed an objection. While conducting historical research for objection resolution, Robert Williams, representing the claimant, uncovered evidence impacting the recommended priority date of the Rinker right. The information was found to benefit another Seaman's Creek water user, Alvin & Sally Shoemaker, also represented by Mr. Williams. Mr. Williams moved to amend the Seaman's Creek claims of these parties to secure an earlier priority date, and the Court granted his request. In preparation of Amended Director's Reports, closer review of the evidence provided by Mr. Williams indicated the information could also support earlier priority dates for other Seaman's Creek rights, which are held by other water users.

Water right 37-1201A, claimed by Dean and Julie Beaudet, was originally objected to and resolved via SF5. A Special Master's Report and Recommendation was issued on March 1, 2011. The right has not been partially decree yet. Fritz Haemmerle represents the Beaudets.

Water right 37-1201B, claimed by the Gloria Camille McCray 1965 Trust, has not been recommended yet. The claim was not received in time to be included in the Basin 37 Part 3 Director's Report. The Trust is represented by Brian Barsotti.

Water right 37-11850, claimed by Carlita F. Severe-McIver, was recommended, was not objected to, and has moved to partial decree (September 24, 2010). The claimant is currently pro se.

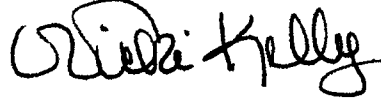
Because of possible injury issues to these three claimants, IDWR was unable to recommend the Rinker (37-20624) and Shoemaker (37-22582) rights with the earlier priority date the evidence would support. Since the filing of the Amended Director's Reports, Mr. Williams has contacted the three other Seaman's Creek claimants and informed them of the situation. All

three claimants are interested in pursuing an earlier priority date. Unfortunately, in all three cases, their claims would need amending in order to allow IDWR to recommend an earlier date.

IDWR would like to rectify the situation on Seaman's Creek as cleanly and quickly as possible. Rights 37-20624 and 37-22582 are already before Special Master Bilyeu, who is aware of the situation with the other rights. Would it be possible for the Court to take the necessary steps to refer the three other rights, 37-1201A (Beaudet), 37-1201B (McCray 1965 Trust) and 37-11850 (Severe-McIver) to Special Master Bilyeu for resolution? IDWR understands the Court has no jurisdiction over unreported water right 37-1201B, but IDWR is looking into the possibility of recommending the right in the upcoming fall Late Claim Director's Report.

Should you have any questions, please feel free to contact me at 208-287-4816. Thank you.

Sincerely,



Vicki Kelly,
Paralegal

cc: Robert Williams
Fritz Haemmerle
Brian Barsotti
Carlita Severe-McIver