



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

November 10, 2011

1087

DISTRICT COURT - JREBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 14 2011

By _____ Clerk
_____ Clerk

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2720
Twin Falls, ID 83303-2707

RE: Amended Standard Form 5s for water rights 37-35A, 37-454A, 37-463A, 37-463C & 37-728A, 37-2139A, 37-2726, 37-13261A, 37-13276A, 37-13268A, 37-13269A and 37-13271A;
Standard Form 5s for water rights 37-2736A and 37-13270A

Dear Clerk:

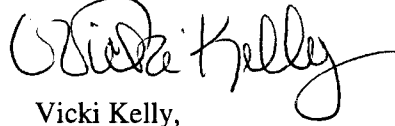
Enclosed for filing are Amended Standard Form 5s (SF5s) for water rights 37-454A, 37-463A, 37-728A, 37-2139A, 37-2726, 37-13261A, 37-13276A, 37-13268A, 37-13269A and 37-13271A. Original SF5s were filed for this group of rights on February 26, 2009. The rights were held back from Special Master's Report while issues involving the separate stream lists attached to the General Provision recommended for Basin 37 Part 2 was reviewed and updated. That list is now being finalized and will be provided to the Judge Wildman very soon. The Amended SF5s for this whole group of rights has been updated to add the Other Provisions language agreed to in settlement of the objection filed to the General Provision. The language was set forth in the Stipulation to Resolve Basin 37 Part 2 General Provision Objection which was filed on July 7, 2008.

Also included here are SF5s for uncontested overlapping rights 37-2736A and 37-13270A. SF5s in these rights were not filed with the objected to rights back in 2009. Right 37-2736A was licensed in September 2009, and a Notice of Completed Administrative Proceeding (NCAP) was filed on January 21, 2011. The NCAP also addressed uncontested right 37-13270A. The recommendations of both rights did not have the separate stream language but should have. The SF5s filed today add the separate stream language to those rights also.

Finally, the processing of license application for right 37-2736A, as well as the scrutiny of the new owner, Smokey Dome LLC, represented by James Speck, brought to light errors in the PODs recommended for some of the original SF5s. The SF5s of rights 37-35A, 37-463C, 37-2139A, 37-13261A, 37-13267A, 37-13268A and 37-13269A contain the error. The Amended SF5s on this group of rights not only adds the separate stream conditions but also corrects the POD error.

Should you have any further questions regarding the changes, please feel free to contact me at 208-287-4816. Thank you!

Sincerely,

A handwritten signature in black ink, appearing to read "Vicki Kelly". The signature is fluid and cursive, with the first name "Vicki" and last name "Kelly" clearly distinguishable.

Vicki Kelly,
Paralegal

Enc.

cc: James Speck