

11-23



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

November 23, 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: Basin-Wide Issue 13 Stipulation for Water Right 35-8201

(10-9/0/5)

Dear Clerk:

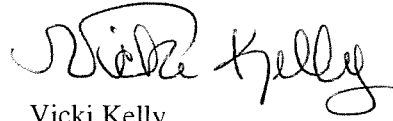
Enclosed is a Stipulation to Resolve Objection to 706 Report and Recommendation for Basin Wide Issue for water right 35-8201. The Court may recognize the Winberg proceedings under rights 35-2430 and 35-2434, the right numbers Winberg noted in his Basin-Wide Issue 13 objection. Water right 35-8201 is the right number currently appearing on Attachment B, a list of trust-area water rights found to have qualified subordination status.

As the Court is aware, Winberg submitted a Notice of Abandonment of Water Right form addressing his enlargement right, 35-11696, which water right 35-8201 replaced. Right 35-11696 was partially decreed on March 4, 2002. The department will be processing the Notice soon, and right 35-11696 will be shown as an abandoned right in department records. The Notice will stand as sufficient confirmation to the department that decreed right 35-11696 will no longer be recognized as a valid water right.

The Winberg matter was tentatively set for an evidentiary hearing on December 2 in case Winberg failed to submit the necessary documents. Although earlier in the process the parties felt the partial decree issued in 2002 would need to be set aside, if the court feels this step remains necessary, perhaps it could be addressed during that December setting. The department would also suggest Winberg be allowed telephone participation for that hearing.

Should you have any further questions, 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" written in a larger, more prominent script than the last name "Kelly".

Vicki Kelly,
Paralegal

Enc.

cc: Richard Winberg
James Tucker
Shelley Davis
Shasta Kilminster-Hadley