



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

December 31, 2008

F. James Whittaker
83 Big Eight Mile Rd
P.O. Box 240
Leadore, ID 83464

RE: Standard Form 5s in subcases 74-338B, 74-56 and 74-1103

Dear Mr. Whittaker:

Enclosed you will find Standard Form 5s (SF5s) for the water rights mentioned above, signed by IDWR. Although an SF5 for water right 74-338B was sent to the SRBA Court previously, court staff discovered a clerical error in the place of use. The SF5 enclosed for your review and signature corrects the error in recommended acres in the NESW of section 28. The department inadvertently left the number of acres in the NESW at 23 instead of the correct amount of 32 acres. This SF5 corrects that mistake and we apologize for the oversight.

Also enclosed are SF5s for 2 uncontested overlapping rights. Right 74-56 overlaps right 74-15658 while right 74-1103 overlaps right 74-15660. You signed off on the SF5s for rights 74-15658 and 74-15660 earlier but the SF5s haven't been filed yet in order to update these uncontested overlapping rights with the permissible places of use now recommended for rights 74-15658 and 74-15660. For your convenience, enclosed are copies of the recommendations of these rights (copied from the signed SF5s) so you can see how rights 74-56 and 74-1103 relate.

Please review these SF5s carefully. If these changes meet with your approval, please initial the recommendation pages as indicated and sign page one of the SF5s. Then return the forms to me in the envelope provided and I will file them with the SRBA Court. You'll receive copies of the documents at that time. Should you have any questions concerning the recommendations, please contact Nate Arave, Sr. Water Resource Agent, at our eastern regional office in Idaho Falls at 208-525-7161.

That leaves several water rights with outstanding issues remaining. IDWR is still working with the BLM on subordination language on water right 74-341. The late claim for water right 74-15662 has been reported to the SRBA Court; the objection period on

the right closes on January 19, 2009. If no objections are filed to the recommendation of 74-15662, it will eventually move to partial decree without further action required of you. We would also be able to send SF5s to you for review on the overlapping objected to right, 74-15663, as well as the 3 uncontested overlapping rights 74-2088, 74-2095 and 74-2148.

We certainly appreciate your patience while we work toward resolution of the remaining issues. Should you require any further assistance or have other questions, please contact me at 208-287-4816. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vicki Kelly', written over a horizontal line.

Vicki Kelly
Paralegal

Enclosures