



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

February 24, 2009

Hon. John Melanson
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase Nos. 22-575A, 22-365 & 22-2057 (Zohner)

Dear Judge Melanson:

I am writing to ask the court to set aside partial decrees for the above-referenced water rights. These three water rights are linked to water right no. 22-180A, also in the name of Gary and Sherry Zohner. Water right no. 22-180A is a contested water right in the Snake River Basin Adjudication. Unfortunately, water right nos. 22-575A, 22-365 & 22-2057 were not held back from partial decree when the uncontested rights recently went forward to decree. Now, as we have reached resolution for water right no. 22-180A, we realize that the resolution will require a change in the way water right nos. 22-575A, 22-365 & 22-2057 should be described. Thus, IDWR asks that the court set aside the partial decrees for these three rights so that IDWR and the parties can address the Zohner water rights as a complete package. The claimants and their attorney are aware of this issue and support the setting aside of the decrees.

If you should have any questions or comments, please feel free to contact me at (208) 287-4811.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrick L. Baxter", is written over a horizontal line.

Garrick L. Baxter
Deputy Attorney General, IDWR

cc: Ray W. Rigby
Gary & Sherry Zohner
Craig Kunz
Michael Holliday