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LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON, OF COUNSEL

May 8, 2008

IDWR
Eastern Region
900 N Skyline Dr, Suite A
Idaho Falls, ID 83402-1718
Attention: Nate Arave

RECEIVED
MAY 12 2008
Department of Water Resources
Eastern Region

RE: Error in split of 35-2643B (parent) – 35-13419 ((Wahlen) and 35-13420 (Breeding)

Dear Nate:

Please be advised that I represent the Driscoll Brothers in their acquisition of several parcels of property and appurtenant water rights in Power County, Basin 35.

When our paralegal researched the water rights, it came to our attention that an error occurred for the split of water right number 35-2643B. Water right number 35-13419 is owned by David & Colette Wahlen and was decreed in February of 2002 under the parent right. Water right number 35-13420 owned by Ralph & Barletta Breeding was also decreed at the same time under the parent right since the ownership change occurred post-partial decree. When the department completed the change of ownership to split this right, Mr. and Mrs. Wahlen were inadvertently given the entire 39 acres in Township 7 South, Range 29 East, Section 26, the southeast southwest quarter-quarter. When a detail report is printed from the database for water right number 35-13420, it accurately shows that Mr. and Mrs. Breeding own 19.5 acres in that same quarter-quarter. Therefore, the error appears in the data for only 35-13419.

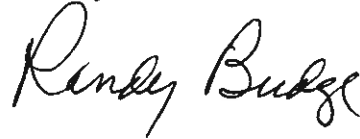
Please, at your earliest convenience, correct the mistake in the database to indicate that the Wahlen right is for 19.5 acres of irrigation in the southeast southwest quarter-quarter of

Township 7 South, Range 29 East, Section 26 and also update the associated GIS shape file. Changes of ownership forms and the appropriate deeds will be forthcoming for the Driscoll transaction.

If you have any questions, please do not hesitate to call me at the Pocatello office at (208) 232-6101 or Becky Harvey in the Boise office at 395-0011.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Randy Budge". The signature is written in a cursive, flowing style.

RANDALL C. BUDGE

Handwritten initials "RR" in black ink, positioned below the printed name.

RCB:bh

Cc: Dirk Driscoll
Dave R. Gallafent