

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY
CHARTERED**

201 EAST CENTER STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

www.racinelaw.net

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN**
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
CONRAD J. AIKEN
RICHARD A. HEARN, M.D.†
DAVID E. ALEXANDER††
LANE V. ERICKSON**
LISA M. CHRISTON†††
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN
BRENT L. WHITING
LISA R. TANNER‡
JUSTIN R. ELLIS
JOSHUA D. JOHNSON†††
JONATHAN S. BYINGTON

BOISE OFFICE

101 SOUTH CAPITOL
BOULEVARD, SUITE 208
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

IDAHO FALLS OFFICE

477 SHOUP AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

*ALSO MEMBER WY & IL BARS

**ALSO MEMBER UT BAR

†ALSO MEMBER D. C. BAR

††ALSO MEMBER MO BAR

†††ALSO MEMBER IL BAR

‡ALSO MEMBER CA BAR

December , 2005

Sharla Cox
Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Re: *M.J. Davis Memorial Limited Partnership*

Dear Sharla:

Per our phone conversation, I am returning herewith the above-referenced Applications. You will note paragraph 6.a. describing the diverting works has been amended to clarify that the water will be diverted by a check dam with no pond or storage. Please proceed with processing and publication. Thank you for your assistance.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Jeff Davis (w/encls.)

RECEIVED
JAN 4 2006
Department of Water Resources
Eastern Region