

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
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RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

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

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

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

May 20, 2003

W. Roger Warner
Adjudication Agent
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: *Water Right Claim No. 29-2438A*
Richard and Diane Watt

Dear Roger:

I have reviewed with Richard Watt your May 5, 2003 letter and revised Recommendations for Water Right Nos. 29-2438A and 2438B enclosed. The explanation and additional information you provided was most helpful in understanding these rights.

At the time they purchased the property from Whitewater Development Company, the Watts understood they were acquiring the entire 3.1 cfs associated with Water Right No. 29-2438. The information you provided reflects that the right was split in 1987 (Transfer No. 3290) with 0.74 cfs for 37 acres going to the subdivision of Whitewater Development Company (Water Right No. 2438B), with the balance of 2.36 cfs pertaining to the remaining acres of farm land, 118 in total, under Water Right No. 29-2438A. On the Department's website I was unable to pull up Transfer No. 3290 and would appreciate it if you would either provide a copy or confirm that it changed both the point of diversion and place of use to the subdivision and its well. I'm assuming that's the other well identified on the map you provided, which reflects a point of diversion in the SE NW NE of Section 26.

Regarding the revised Recommendation for Water Right No. 29-2438A to Richard and Diane Watt, there is a problem with the place of use, given the acreage that has been reduced from 155 originally claimed to 118 by reason of the 37 acres that goes with the subdivision Water Right No. 29-2438B. I am

enclosing a map which identifies the place of use, which is under center pivot, except for the southwest corner and a small amount in the northwest corner, which is under hand line sprinkler irrigation. The pivot was installed in 1994. This parcel is currently leased out and planted in beets. The land further to the north and west in NE NW, NW NE and NE NE of Section 25 is not planted or leased out this year because of the water right problems. The Watts estimate the number of acres in the place of use outlined in yellow as follows:

PLACE OF USE: Irrigation Within Bannock County

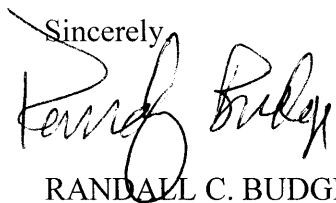
T. 05 S., R. 34 E.

Sec. 25:	NW NW	20 acres
	SW NW	30 acres
	SE NW	5 acres
	NE NW	8 acres
Sec. 26:	SE NE	40 acres
	NE NE	<u>7 acres</u> (approx.)
		110 acres

The place of use for the remaining 8 acres (to bring the total to 118 acres) should be in the NW NE of Section 26.

If the place of use can be corrected accordingly, the Watts will approve Water Right No. 29-2438A as recommended. This also assumes that we can confirm that the point of diversion and place of use for Water Right No. 29-2438B in fact has been changed to the Whitewater well and subdivision and in fact has been used by it.

Thanks for your help. If you have any questions or concerns, please contact me.

Sincerely,

RANDALL C. BUDGE

RCB:rr
Enclosure
cc: Dick Watt