

Law Offices  
**HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.**

KENT W. FOSTER  
ROBERT E. FARNAM  
WILLIAM D. FALER  
CHARLES A. HOMER  
GARY L. MEIKLE  
DONALD L. HARRIS  
DALE W. STORER  
MARIE T. TYLER  
FREDERICK J. HAHN, III  
KARL R. DECKER  
THEL W. CASPER\*  
SHAN B. PERRY  
AMELIA A. SHEETS  
DeANNE CASPERSON\*\*  
ROBERT L. HARRIS  
DEBORAH S. O'MALLEY

1000 RIVERWALK DRIVE, SUITE 200  
P.O. BOX 50130  
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620  
FACSIMILE (208) 523-9518  
E-MAIL [KFOSTER@HOLDENLEGAL.COM](mailto:KFOSTER@HOLDENLEGAL.COM)

Arthur W. Holden  
(1877-1967)  
Robert B. Holden  
(1911-1971)  
Terry L. Crapo  
(1939-1982)  
William S. Holden  
(1907-1988)

Of Counsel  
Fred J. Hahn

\*Also Licensed in Utah and Arizona  
\*\*Also Licensed in Missouri & Kansas

November 10, 2005

Ryan Mikesell  
Idaho Department of Water Resources  
900 N. Skyline Dr., Ste. A  
Idaho Falls, ID 83402

RE: Claim No. 21-12893 in the name of Michael & Catherine Legge Family Limited Partnership

Dear Ryan:

We are going to have to disagree with the recommended priority date for this water right of October 31, 1950. Our claim of course was based on the old posted notice from July 20, 1897. It will be essential for us to continue to insist on that priority date and we believe the evidence supports it while we do not believe the evidence supports finding that the water use commenced in 1950.

We will very much appreciate your reconsideration and attention to this matter.

Yours very truly,



Kent W. Foster

c: Mike & Cathy Legge

**Mikesell, Ryan**

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**From:** kfoster@holdenlegal.com  
**Sent:** Tuesday, August 30, 2005 9:23 AM  
**To:** ryan.mikesell@idwr.idaho.gov  
**Subject:** SRBA claim no. 21-12893

Dear Ryan,

I spoke with Ernie about this and he recommended I send you this e-mail. I had occasion to review the adjudication claim report on the internet and discovered an inconsistency with the claim we submitted last November. The place of use shows 8 acres in the NWNW Sec. 31. It should be 18 acres.

I notice the number got changed when I sent the claim to our client for signature. We had typed the number 15 and they crossed out the 5 and interlineated the number 8 in handwriting. Perhaps that caused the error. We would appreciate it if you could correct the claim. We realize the examination of the satellite photo may produce an even different number, but we need the claim to reflect our clients' best understanding.

Thanks for your attention to this, If we may be of assistance, please feel free to contact us.

Kent W. Foster

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8/30/2005