

Ryan Mikesell
Idaho Department of Water Resources
900 North Skyline, Suite A
Idaho Falls, ID 83402

October 20, 2003

Marilyn Howard
5313 N Riffle Way
Boise, ID 83714

Dear Marilyn:

Here a copy of the map that I mentioned over the phone. This is a map of the SW NE quarter quarter of section 18 (the yellow lines). I drew a blue line around the area on your property that I am guessing is being irrigated. You are claiming that you are irrigating 22.3 acres of property and my guess shows that you are irrigating 5.5 acres. Could you please correct my line and return this map to me so I can make the correct recommendation? I also need to mention that for this claim we need to know what was being irrigated in 1987, not what is currently being irrigated. Thank you so much for your assistance in this matter.

Sincerely,

J. Ryan Mikesell
Water Resource Agent

RECEIVED

OCT 21 2001

Department of Water Resources

Brent R. King
Attorney at Law
270 W. 17th
Idaho Falls, ID. 83402
(208) 557-0334
blrk933@cs.com

Roxanne Brown
Sr. Water Agent
IDWR Adjudication Bureau
1301 N. Orchard St.
Boise, ID. 83706-2237

October 21, 2001

Re: *Water Right No. 34-13560*

Dear Roxanne:

I have been informed that Mr. Francis Smith died this last summer. Therefore, I'm afraid his affidavit is the only evidence we will be able to get from him. If there are any questions or comments, please do not hesitate to contact me. Also, please say "hi" to Nick and Susan for me.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Brent King', with a stylized, flowing script.

Brent King

RECEIVED

MAY - 4 2001

Department of Water Resources

Brent R. King
Attorney at Law
3155 Dal Ave.
Ammon, ID. 83406
(208) 557-0334
blrk933@cs.com

Roxanne Brown
Sr. Water Agent
IDWR Adjudication Bureau
1301 N. Orchard St.
Boise, ID. 83706-2237

Re: *Water Right No. 34-13560*

Dear Roxanne:

Hope everything is well at IDWR. Enclosed, please find the signed affidavit of Francis Smith, which, among other things, includes evidence of priority date of the above-entitled water right. My notes indicate that I sent the affidavit to Mr. Smith in 1998. Mr. Smith was quite elderly then and, despite a letter of instruction to the contrary, sent back the affidavit signed, but not notarized. Unsure what to do with it, I kept the affidavit and tried to contact Mr. Smith but was unable to do so before moving to northern Idaho later that year. Having recently relocated back to southern Idaho, I have made inquiries and found out that Mr. Smith is currently in his 90's and in the hospital in Arco, Idaho. I have tried to contact him and was unable to do so because he was too weak to talk.

My concern is Mr. Smith's age and health. I am trying to contact him so that I can tape record a conversation regarding his memory of irrigation on the relevant property. However, it may be that I will be unable to do so before his death. I would presume that IDWR would give the affidavit the same weight as any other documentary evidence such as records of water use, letters, and the like. If there is some problem with the affidavit requiring further documentation of priority, please contact me regarding IDWR's position on the signed but un-notarized affidavit and any suggestions you may have to satisfactorily document the evidence in Mr. Smith's mind. Also, please say "hi" to Nick and Susan for me.

Sincerely,



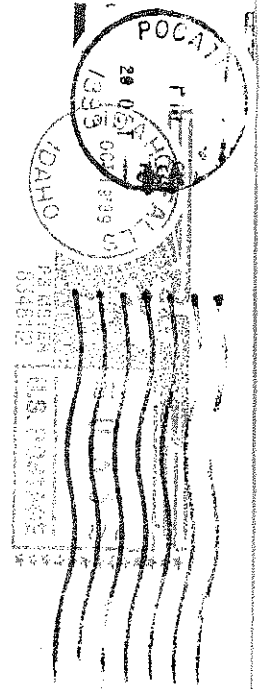
Brent King

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83702-1718

RETURN SERVICE REQUESTED

*Evidence
Priority
Letter*

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NOV 01 1999
Department of Water Resources
Eastern Region



*Marion Howard
434 RIDGE RD*

HOWARD MARION
RETURN TO SENDER
HOWARD MARION L
3013 N RIFLE WAY
BOISE ID 83703-1587
RETURN TO SENDER

