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Department of Water Resources
Eastern Region

November 8, 2000

Mr. Ernest Carlson
IDAHO DEPARTMENT
OF WATER RESOURCES
900 N. Skyline
Idaho Falls, Idaho 83402-1718

Re: Sage Willow Claims 33-02133 and 33-11003

Dear Ernie:

We are writing to provide additional information relevant to claims numbers 33-02133 and 33-11003. You will recall that 33-02133 is the old license for "Root Zone Storage" on the Knollin Ranch now owned by Sage Willow. Last January, we began a process (I think at your suggestion) which resulted in a late claim also being filed, No. 33-11003. 33-02133 covers the winter time diversion for storage; 33-11003 was designed to cover the summertime use of the storage water.

I probably do not remember the details, but as I recall, when you prepared the recommendation for 02133, there was a time constraint or some reason for not determining the correct acres affected by this right, and you used the same description (698 acres) recommended for the high water rights (33-00069, etc.). We filed an objection because we thought there should be some 1,480 acres as shown on the license. The U.S. Forest Service filed an objection because the 698 acre description taken from the high water rights showed Township 27 East instead of 28 East. When I prepared the late claim, 11003, I perpetuated the problem because I used the same 698 acres you did. The U.S. Forest Service again objected. I think we have all agreed that for the 698 acres, the township should be corrected from 27 East to 28 East. However, I seem to recall that you and I have previously recognized the 698 acres is not the correct place of use for 02133 and 11003 anyway; the

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license says 1,480 acres, and some of the 698 acres shown on the high water rights is not even included within the 1,480.

We had asked Dr. Charles E. Brockway, who had previously done significant work on this property, to do an analysis of the place of use for the "Root Zone Storage". He has just provided us with his analysis and I am forwarding a copy to you in hopes it will be helpful as we reach the time to resolve the objections. I have enclosed copies of his letter of November 3, and the attachments (an acreage spreadsheet and three maps). I expect the time to address this matter will come soon.

Very truly yours,



Kent W. Foster

Enclosures

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