

GIVENS PURSLEY LLP

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

CHRISTOPHER H. MEYER
DIRECT DIAL: 208 388-1236
CELL: 208 407-2792
EMAIL: chrismeyer@givenspursley.com

Via Email and U.S. Mail

May 6, 2009

Josephine P. Beeman, Esq.
Beeman & Associates PC
409 West Jefferson
Boise, ID 83702-6049
jo.beeman@beemanlaw.com

Re: *Subcase Nos. 29-00271, et al; Brief of United Water Idaho, City of Nampa, and City of Blackfoot Addressing*

Dear Jo:

I understand that at the April 23, 2009 hearing on Providers' Motion for Leave you asked us to provide to you the language of the conditions in Providers' water rights dealing with alternative points of diversion. As set out on page 3 of our amici curiae brief, it reads:

To the extent necessary for administration between points of division for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right at [name of well] located in [quarter-quarter description].

It is my understanding that this language is identical to the condition language recommended for Pocatello's water rights.

Note that this language appears on the water rights of the City of Nampa and United Water Idaho. It does not appear on the water rights for the City of Blackfoot. This may be due to an earlier transfer that implemented the alternative points of diversion before this language was developed by the Department. In any event, the City of Blackfoot anticipates being subject to the same language in future transfer applications as it further consolidates its alternative points of diversion.

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY - 8 2009

Gary G. Allen
Peter G. Barton
Christopher J. Beeson
Clint R. Bolinder
Erik J. Bolinder
Jeremy C. Chou
William C. Cole
Michael C. Creamer
Amber N. Dina
Elizabeth M. Donick
Kristin Bjorkman Dunn
Thomas E. Dvorak
Jeffrey C. Fereday
Justin C. Fredin
Martin C. Hendrickson

Steven J. Hyppler
Donald E. Knickrehm
Debra K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Mellillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery

Deborah E. Nelson
Kelsey J. Nunez
W. Hugh O'Riordan, LL.M.
Angela M. Reed
Justin A. Steiner
Scott A. Tschirgi, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

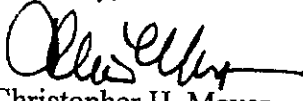
RETIRED
Kenneth L. Pursley
James A. McClure
Raymond D. Givens (1917-2008)

SCANNED

Josephine P. Beeman, Esq.
May 6, 2009
Page 2

If there is anything else I can provide, please let me know.

Sincerely,


Christopher H. Meyer

cc: Hon. John M. Melanson
A. Dean Tranmer, City of Pocatello
John Marshall, Givens Pursley
Garrick Baxter, IDWR
Nicholas B. Spencer, State of Idaho
Michael J. Fuss, City of Nampa
H. Scott Rhead, United Water Idaho
Ron Harwell, City of Blackfoot

CHM:ch

555963_1: 30-142 pleadings