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DEPARTMENT OF
WATER RESOURCES

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September 29, 2009
via E-mail
and U.S. Mail

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Kelly Christensen
Idaho Department of Water Resources Western
Region Office
2735 Airport Way
Boise, ID 83705

Re: Comments on Proposed Amended Recommendation for Water Right No. 37-00353J (Olsen Livestock Consultants, Inc.)
MTBR&F File No. 23091.0000

Dear Chris and Kelly:

I write on behalf of Olsen Livestock Consultants, Inc., in response to Kelly's letter of August 31, 2009. As you know, Special Master Booth's order of August 18, 2009 in the Dean Ranch Subdivision subcases provides the parties with an opportunity to respond to the proposed amended recommendations that were attached to Kelly's letter.

As an initial matter, thank you for the Department's willingness to re-evaluate the Dean Ranch Subdivision recommendations. Olsen's comments follow.

First, as Olsen provided in its original objection, the name and address information is incorrect. It should be:

Olsen Livestock Consultants, Inc.
P.O. Box 1145
Bellevue, ID 83313
(208) 788-4149

Exhibit D to the Affidavit of Andrew J. Waldera, filed with the SRBA District Court on February 13, 2009, includes a Warranty Deed of September 25, 1996, demonstrating that "Olsen Livestock Consultants, Inc." is the owner of the real property and associated water rights, rather than "Olsen Livestock Consulting." In addition, annual reports on file with the Idaho Secretary of State reflect the above contact information.

Chris Bromley
Kelly Christensen
September 29, 2009
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Second, Olsen questions the Department's inclusion of the following new remark in this recommendation:

This right shall provide no more than 0.02 cfs at the field headgate for irrigation of the land described above.

The narrative explanation that accompanies the proposed amended recommendations states that, "[a]lthough no documentation of any scientific determination of conveyance losses are available, it has historically been estimated to be as much as 50%." However, Olsen questions whether this is a sufficient basis to include the new remark. Additional information regarding the basis for the new remark would greatly assist Olsen in its consideration of the Department's proposal.

Thank you for your attention to this matter.

Very truly yours,



Dylan B. Lawrence

DBL/liw

cc: Tom Olsen
Scott L. Campbell