



Holden Kidwell
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L A W O F F I C E S

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SEP 17 2010

Department of Water Resources
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September 16, 2010

Idaho Department of Water Resources
ATTN: Dave Carlson
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Application for Transfer for Water Right Nos. 35-8863 and 35-8942.

Dear Dave:

Enclosed for processing is an Application for Transfer for Water Right Nos. 35-8863 and 35-8942, both of which are owned by Natural Guardian Limited Partnership. The place of use for this water right is directly west of Idaho Falls, and as you can see from the enclosed aerial photos, the shape files for these particular water rights do not match up with the pivots that now occupy the property. Combined, the water rights allow for the irrigation of 402 acres with a permissible place of use of 482.5 acres. In reviewing this particular farm with my clients, the pivots irrigate just under 400 acres, and they have sprinkle irrigated a field between the half moon pivot on the south and the smaller pivot to the north as depicted on the map. My clients do alternate the areas that are irrigated in this field, and therefore we would still seek to have a permissible place of use to include this particular part of their property. Overall, the transfer purports to simply refine the place of use, not the points of diversion of the water rights. We have enclosed a CD with the shape files for the permissible place of use, but also the actual 402 acre place of use which we will irrigate for the foreseeable future. To the extent the 402 acres shift, we will notify the Department with an updated shape file. In prior transfers that I have processed with the Department, this has generally been the new standard in processing transfers involving permissible places of use.

If you have any questions or concerns, please let me know. Because the transfer does not purport to move the point of diversion, we have not done an ESPA analysis, and also we presume this particular transfer will not be advertised. If our understanding is incorrect, please let us know. Additionally, please find the filing fee in the amount of \$490.00.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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