

Robert J. Meyers Farms, Inc.
3921 N. 3300 E.
Twin Falls, Idaho 83301

State of Idaho
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

January 7, 2010

RE: App For Transfer 75670

Dear Jim,

I have been at fault not making this situation clearer. In following your calculations, I see that a key point was missed. The canal and well were used to irrigate 240 acres in total, not 176 acres as shown by your computation. 176 acres being south of the canal, and the other land is 80 acres, plus or minus, north of the canal. When Ted Andrus sold the farm to me, he kept 105 shares for his ground and assigned the well to me plus 20 canal shares. This also proves out when you look at the math. The well services 156 acres and the 20 shares of canal water makes up the difference to cover the 176 acres.

When the well was originally licensed, it was to give 100% water on all the acreage. With 125 shares of North Side Canal water for 83 acres and the well serves the 156.90 acres, it adds up to 239.9 acres. It is clear what was done in 1961 when the well was put in.

I think this explains the situation of how the water is being properly used at the present time. Let me know if we need to go to the farm. Thanks for your attention to this matter.

Sincerely,


Robert Meyers

AFFIDAVIT OF TED ANDRUS

STATE OF IDAHO)
) ss.
County of Twin Falls)

TED ANDRUS, being first duly sworn upon oath, deposes and states as follows:

1. This Affidavit is submitted in support of the application to Idaho Department of Water Resources by Robert J. and Kathi Meyers for transfer of the point of use of water right no. 36-10301.

2. I am married to Arlyane Andrus. For many years, my wife and I have been the owners of real property located in Township 7 South, Range 14 East, B.M., Gooding County, Gooding County, Idaho, Section 8: NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, consisting of 240 acres of land.

3. My wife and I have now sold to Robert J. Meyers and Kathi Meyers approximately 166 acres of ground, described on Exhibit "A" attached hereto. Water right no. 36-10301 is included as part of the property sold, together with twenty (20) shares of North Side Canal Company Stock.

4. The water used under right no. 36-10301 is taken from a well located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8. The well is located on the described property which we have sold to the Meyers.

5. Previously, a portion of the water from the well was used to irrigate the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 8. However, in 1994, I installed a center pivot irrigation system in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8. After the pivot was installed, all of water right no. 36-10301 was applied by use of the pivot.

6. I consent to Meyers' application to modify the point of use of water right no. 36-10301. I understand that with this modification, none of the

water from the well will be used upon my property. Instead, all of water right no. 36-10301 will be used on the land described on Exhibit "A," which my wife and I are selling to the Meyers.

DATED This 14th day of March, 1997.

Ted G. Andrus

TED G. ANDRUS

SUBSCRIBED AND SWORN to before me this 14th day of March, 1997.

James Shepard

NOTARY PUBLIC FOR IDAHO

Residing at: Buhl, Id

My commission expires: 8-21-99

