



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 28, 2009

ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 25-07583

Dear Mr. Harris:

The department acknowledges receipt of documentation you have provided with which to substantiate development of permit 25-07583 on behalf of your clients, the Township Park Estates Homeowners Association. Enclosed is an order reinstating the permit and advancing the priority date since proof and the license examination fee were submitted after proof was due. Please note that the priority date has been advanced to July 26, 1994, as provided in Section 42-218a(2), Idaho Code, which was the date that the original permit holder filed a proof of beneficial use statement with the department.

The next step in the process of developing a water right is for the department to determine and confirm the use of water and to issue a license. The documentation you have provided to date should be sufficient to make a determination of the water use and I have been assigned to that task.

Although your clients are interested in the conclusion of this water right process, the ownership of the permit may be in question. I understand that the permit holder is deceased and that this reinstated permit would become the personal property of Melvin Fielding's beneficiary. Without an assignment of the permit to the Township Park Estates Homeowners Association any license founded on this permit would become appurtenant to the real property of the individual lot owners, not to the homeowners association.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. If in the future you need forms to file a change of ownership of a water right and/or a change in the address of the water right holder, they are available from any department office or from our website at: www.idwr.idaho.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele Edl".

Michele D. Edl
Associate Engineer
Water Rights Section
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720-0098
Phone: 208-287-4946
Fax: 208-287-4800
Email: Michele.Edl@idwr.idaho.gov

Enclosure

c: IDWR - Eastern Region
Melvin Fielding Estate