



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

April 13, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

K & W DAIRY
3751 S 2400 E
JEROME ID 83338

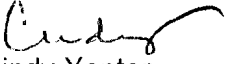
RE: Acknowledgement of Relinquishment of Point of Diversion

Dear Mr. Boer:

IDWR has received and processed your request to relinquish a point of diversion in NENWNW Section 32, T08S R15E from the K&W irrigation rights. Our database has been updated, and proof copies of the modified water rights are enclosed.

Please contact this office if you have any questions.

Regards,


Cindy Yenter
Water Rights Supervisor

cc: Rob Williams

RECEIVED

MAR 27 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

AFFIDAVIT OF ADRIAN BOER

State of Idaho)
 :ss.
County of Jerome)

ADRIAN BOER, first being duly sworn, deposes and says as follows:

1. I am a partner in K & W Dairy, an Idaho general partnership, with authority to make this affidavit.

2. K & W Dairy does hereby relinquish the point of diversion now located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 8 South, Range 15 East Boise Meridian, Gooding County, Idaho, with respect to the following water rights:

Water Rights Nos. 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15169K

3. It is my understanding that the point of diversion relinquished by this affidavit will be utilized by Hill Brandsma for other water rights owned by him.

Adrian Boer
ADRIAN BOER

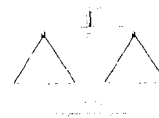
Subscribed and sworn to before me this 26th day of March, 2009.



Stephanie Brown
Notary Public for Idaho
Residing at: Jerome
Comm. Expires: 10/16/12

Williams, Meservy & Lothspeich, LLP
Attorneys at Law

153 East Main Street
Post Office Box 168
Jerome, Idaho 83338-0168



ROBERT E. WILLIAMS
JAMES C. MESERVY
ROBIN B. LOTSPEICH

TELEPHONE: (208) 324-2303
TELECOPIER: (208) 324-3135
E-MAIL: REWILLIAMS@CABLEONE.NET

EUGENE D. FREDERICKSEN - RETIRED

March 26, 2009

RECEIVED
MAR 27 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Idaho Department of Water Resources
Attn: Cindy Yenter
1341 Fillmore Street, Ste. 200
Twin Falls, ID 83301-3033

RE: *Water Rights Nos. 36-2087K, 2113K, 2161K, 2289M, 2311K, 2500K, 2614K, 7307K, 7362K, 7477K, 7606K, 7779K, 7832K, 10225K and 15169K (K&W Dairy)*

Dear Cindy:

With reference to the above captioned water rights, please find enclosed the Affidavit of Adrian Boer, a partner in K & W Dairy, relinquishing one of the present points of diversion for the above referenced water rights now located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 8 South, Range 15 East Boise Meridian, Gooding County, Idaho. In accordance with your email of December 17, 2008, my client understands that the remaining seven (7) points of diversion, the combined limits of the water rights in the amount of 19.65 cfs and 4038.4 afa and the irrigation of 1009.6 acres will not be affected by this relinquishment. In accordance with our previous conversation, my client understands that Hill Brandsma has, or will, apply to use the relinquished point of diversion in connection with water rights that he owns.

Very truly yours,

WILLIAMS, MESERVY & LOTSPEICH, LLP

ROBERT E. WILLIAMS