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May 18, 2006

Idaho Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, ID 83402

Attention: Karl Dreher

Re: Water Right Transfer
Berend and Carla Friehe
Water Right No. 73-151

RECEIVED
MAY 22 2006
Department of Water Resources
Eastern Region

Dear Mr. Dreher:

Please be advised that I represent Mr. and Mrs. Berend Friehe, who are the owners of the above-described claim to a water right. This water right is located in the Pahsimeroi Valley of Custer County, and is the source of water for a pivot.

As you may know, the water master in that area, Mr. Ted O'Neal, issued an order that the subject pivot not be used for irrigation for the reason that the current point of diversion is not located in the same place as the point of diversion identified in the existing water right. My clients agree that the point of diversion has changed, and in fact, this issue was addressed by this office and Mr. Tim Luke in September 2004. (A copy of a letter from Mr. Luke is enclosed.) Inadvertently, an application for a change in the point of diversion was not filed with your department, resulting in the current problem.

Based upon the above, I am enclosing an Application for Transfer of Water Right to correct this technical omission, together with my check in the sum of \$370 for the transfer fee.

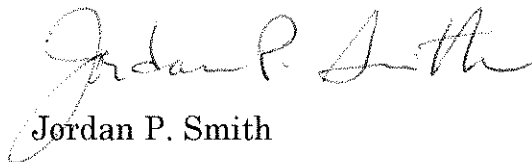
We hope that filing the form will result in a resolution of the technical problem created by the omission of an application. We understand that it will take some time to process this application, and it is our earnest request that the IDWR allow Mr. and Mrs. Friehe to use the water and the permit during the pendency of the application process. It is my understanding that it has been the policy in the past to grant such a request, and during this period of high water, it is certain that no

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other users would be negatively impacted by that accommodation. Otherwise, the water is simply wasted.

I would certainly appreciate your prompt response to this matter, particularly as the temperatures are in the 90's, and a crop will be lost if the Friehees are unable to irrigate the property.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jordan P. Smith".

Jordan P. Smith

JPS:sez

Enclosures

cc: Mr. and Mrs. Berend Friehe
Robert Foster