

Law Offices  
**HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.**

KENT W. FOSTER  
ROBERT E. FARNAM  
WILLIAM D. FALER  
CHARLES A. HOMER  
GARY L. MEIKLE  
DONALD L. HARRIS  
DALE W. STORER  
FREDERICK J. HAHN, III\*  
KARL R. DECKER  
SHAN B. PERRY  
DEANNE CASPERSON\*  
ROBERT L. HARRIS

1000 RIVERWALK DRIVE, SUITE 200  
P.O. BOX 50130  
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620  
FACSIMILE (208) 523-9518  
E-MAIL [RHARRIS@HOLDENLEGAL.COM](mailto:RHARRIS@HOLDENLEGAL.COM)

Arthur W. Holden  
(1877-1967)  
Robert B. Holden  
(1911-1971)  
Terry L. Crapo  
(1939-1982)  
William S. Holden  
(1907-1988)

Of Counsel  
Fred J. Hahn  
Marie T. Tyler

\*Also licensed in Wyoming  
\*Also licensed in Missouri and Kansas

*u.k.*  
**RECEIVED**

**NOV 14 2007**

DEPARTMENT OF  
WATER RESOURCES

November 8, 2007

Michele Edl  
Associate Engineer  
Idaho Department of Water Resources  
PO Box 83720  
Boise, ID 83720-0098

RE: Licensing of Permit Nos. 21-7190 and 21-7133.

Dear Michele:

A few weeks ago, we had the opportunity to visit with Mr. Tom Howell concerning the place of use designation which you had prepared for the above referenced permit numbers. We met with Mr. Howell after we received maps from you, which showed the irrigation system and approximate acres irrigated. Those maps proved to be most helpful in our conversation, and wish to offer this report of our meeting with Mr. Howell.

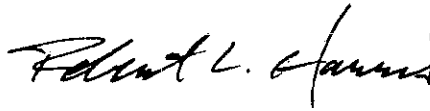
Enclosed with this letter is a GIS map which we have prepared that depicts the proposed place of use designations we received from you. Based on Tom's review of the place of use for 21-7133, he agrees with its depiction, and we suggest no changes to this place of use. However, as to the place of use for 21-7190, there is a small section of property primarily located in the SW¼ of the SW¼ of Section 16 which Tom indicates was historically irrigated. The depiction on the GIS map is in pink, and is labeled with a 17.03, which is the approximate number of acres the shape covers. The eastern boundary of this shape follows a private road that goes further up the hill. The western boundary of this shape is the approximate location of the mainline that runs south on the property. Mr. Howell indicated that irrigation lines were run in both directions off of the mainline, and up to the private road that forms the eastern boundary of this proposed shape. We note that the original map prepared by the field examiners in 1987 likely would not be as detailed as the GIS map. We request that these additional 17 acres be added to the place use designation for this water right. If this change is made, we think any place of use issues will have been resolved. As to the other portions of 21-7190, Mr. Howell indicated that they appear to be quite accurate.

Lastly, as to Water Right No. 21-7133, we concur with both the place of use and the diversion volume limitation of 20 acre feet. In my discussion with you concerning the size of the reservoir, I believe I confused myself with which reservoir we were referring to because there are two on the property. This water right, with its 20 acre foot maximum diversion volume, is stored at the lower reservoir site which is located in the NWNW and the NENW of Section 20, with a small sliver of the reservoir located in the SESW of Section 17. The upper reservoir site, the one which has a storage capacity of approximately 30 acre feet, is located in the NWSE of Section 17.

When Mr. Edward Howell filed his original Application for Permit FOR 21-7190, he included a request for a storage component of 20 acre feet. However, we found a note in the IDWR back file made by Jim Johnson of IDWR dated February 5, 1980, which states "removal of storage for irrigation - review of this application has determined that the 20 AF storage for irrigation is unnecessary because the small size of storage constitutes part of the diversion works which serves to pool the water for a short period of time." Consequently, no storage component appears under Water Right No. 21-7190, which is diverted from the upper reservoir site, but storage is authorized because it is part of the diversion system. We intend to continue to store water at this site to be used as part of our irrigation system under 21-7190.

With the final place of use adjustment which we have proposed, we believe that we are near an end to completing the licensing of these two water rights. Please let me know your thoughts on the additional 17 acres we have requested to be included within the place of use of 21-7190. If you have any additional questions or concerns, please let me know. We sincerely appreciate your assistance and patience in this matter.

Sincerely,

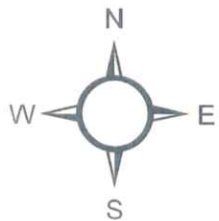


Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

c: Natural Guardian Limited Partnership

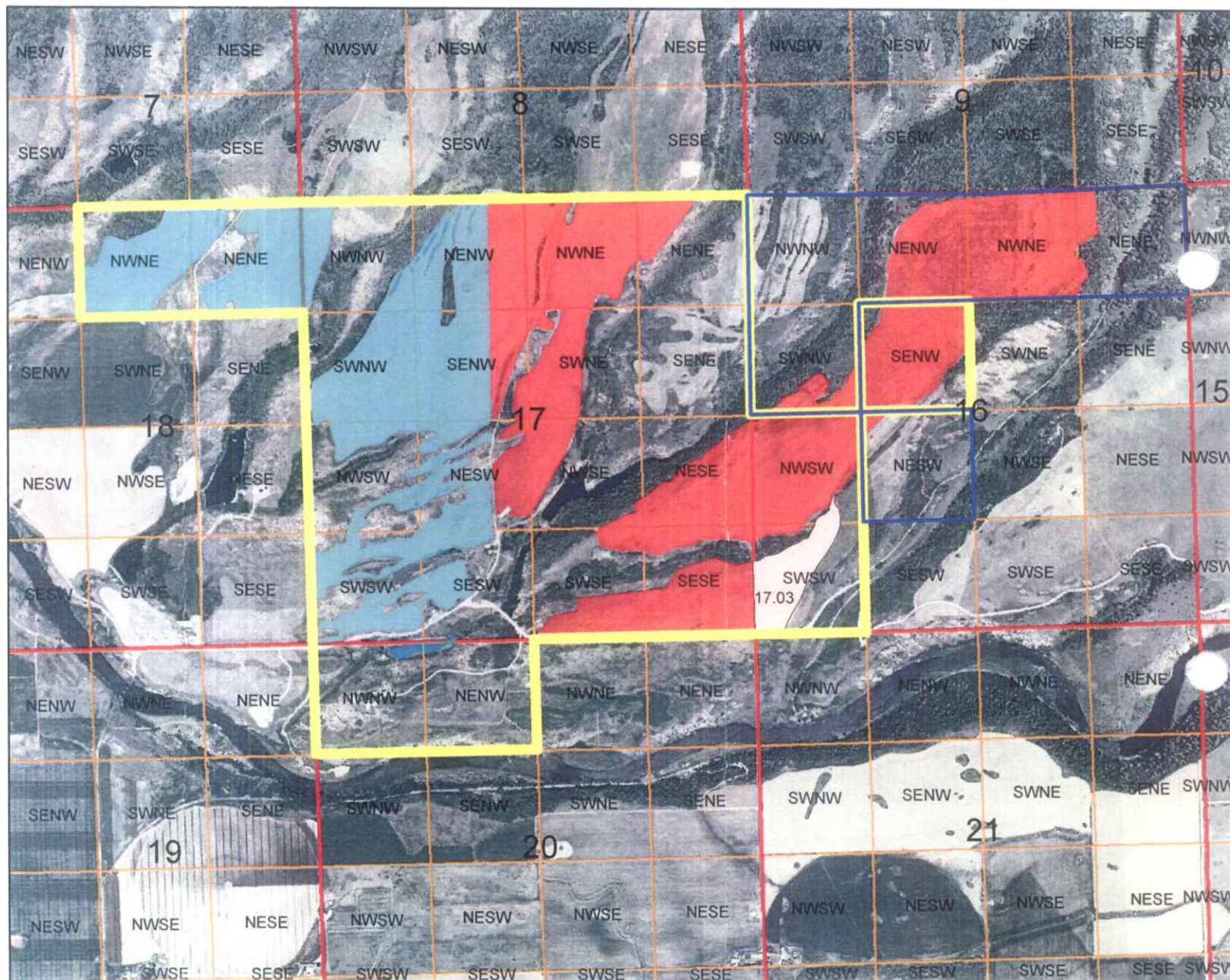
# WATER RIGHTS 21-7190 & 21-7133



## Legend

- State\_Land
- Natural\_Guardian\_Property
- 21-7190
- 21-7190-Addtl\_POU
- 21-7133
- Section\_Lines
- Quarter\_quarters

Prepared by:  
Robert L. Harris  
November 7, 2007  
2006 NAIP Aerial Photo



0 0.25 0.5 1 Miles