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RECEIVED

SEP 18 2007

Department of Water Resources
Eastern Region

September 17, 2007

Ernie Carlsen
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Re: Notice Regarding Participation in the Groundwater District as a Non-Member
for Mitigation Purposes Only, Surface Water Coalition Delivery Call, Water
District Nos. 34, 110, 120, and 130

Affected Right No.: 35-7904

Dear Ernie:

This letter is in response to a letter from IDWR Director David Tuthill dated August 3, 2007, a copy of which is attached. As you can see, the letter requests the holder of the above groundwater right to participate with a groundwater district for mitigation purposes for groundwater pumping in the 2007 season.

As you will recall, we visited concerning this matter on September 17, 2007, wherein we informed you that Riverview I, LLC, the owner of the above water right, did not divert water pursuant to the above water right during the 2007 season. This particular water right has a point of diversion located on the old Monroc property, which is currently being redeveloped by Ball Ventures, LLC, as the Snake River Landing Development south of Pancheri Dr. just west of the Snake River. The particular well associated with this right has not been used for the past two years, and will likely not be used next year. Consequently, because no groundwater was pumped pursuant to this right, we feel it is unnecessary to join a groundwater district for mitigation purposes because there is nothing to mitigate for.

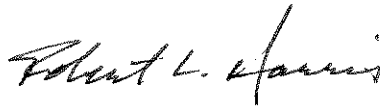
We appreciate the opportunity to have visited with you and appreciate your recommendations to join the district at this point even though no mitigation would need to

Ernie Carlsen
Idaho Department of Water Resources
September 17, 2007
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be provided this year. As we discussed, the above water right holder will continue to receive notices each year, and it may be simpler at this point to simply join a groundwater district for mitigation purposes so that if the well is eventually used again, the water right will already be covered under a mitigation plan. We will advise our client accordingly.

Once again, we appreciate your assistance in this matter, if you have any questions, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Harris". The signature is fluid and cursive, with the first name "Robert" being more prominent.

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

Enclosure



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 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor
DAVID R. TUTHILL, JR.
Director

August 3, 2007

RECEIVED

SEP 18 2007

Department of Water Resources
Eastern Region

RIVERVIEW ONE LLC
PO BOX 50130
IDAHO FALLS ID 83405

Re: Notice Regarding Participation in a Ground Water District as a Nonmember for Mitigation Purposes Only, Surface Water Coalition Delivery Call, Water District Nos. 34, 110, 120, and 130.

Affected Right No(s): 35-7904

Dear Water Right Holder:

This letter provides notice pursuant to 2006 Idaho Session Laws 1089 that you may need to join a ground water district solely for mitigation purposes to ensure that the above referenced ground water rights are included in a 2007 mitigation or replacement water plan (herein referred to as mitigation plan) approved by the Idaho Department of Water Resources (Department).

Recipients of this notice have fifteen (15) days to petition to join a ground water district for mitigation of the above referenced ground water right(s) or provide evidence that the right(s) is included in one of several Department accepted mitigation plans provided by the Idaho Ground Water Appropriators (IGWA) and its member ground water districts, the Idaho Dairy Association (IDA), or the Water Mitigation Coalition (WMC). Petitions to join a ground water district should be filed with the ground water district located nearest the lands to which your right(s) is appurtenant.

A warning letter was sent to you on May 10, 2007 notifying you that the right(s) identified above would likely be curtailed in 2007 as a result of the delivery call made by members of the Surface Water Coalition, comprised of A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company. Fortunately, curtailment of junior ground water rights was avoided this year as a result of the mitigation plans provided by IGWA, IDA and WMC. Your water right(s) may not be covered by one of these mitigation plans.

The above referenced right(s) may not currently be included in a ground water district because it is either located outside the boundaries of a ground water district or is used for non-irrigation purposes. Other recipients of this notice include members of the Jefferson-Clark Ground Water District and the Carey Valley Ground Water District, both organized in November, 2006. IGWA has advised the Department that these ground water districts are not yet IGWA members. These two ground water districts therefore are not covered by IGWA's 2007 mitigation plan. If you are a member of one of these ground water districts you will need to work with the district to assure that the above right(s) are included or covered by the IGWA mitigation plan.

COPY

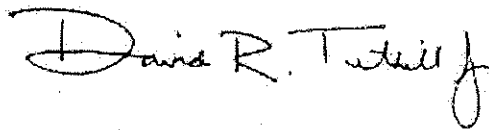
August 3, 2007

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The Director of the Department may take any appropriate action within his authority to assure that recipients of this letter and the right or rights identified herein are covered by an approved mitigation plan. If your right(s) identified in this notice have already been included in a ground water district for mitigation purposes or is included in another approved mitigation plan, then please contact the water district watermaster directly or have the ground water district or other mitigating entity contact the watermaster with verification regarding inclusion of your rights. Generally, a petition for annexation or inclusion of rights in the ground water district for mitigation purposes is acceptable.

Maps and contact information for ground water districts can be found on the IDWR website at: http://www.idwr.idaho.gov/water/districts/other_water_districts.htm. Information pertinent to all orders and correspondence concerning the Surface Water Coalition delivery call can be found on the IDWR website at: <http://www.idwr.idaho.gov/Calls/Surface%20Coalition%20Call/default.htm>. The delivery call was made under the Department's Rules for Conjunctive Management of Surface and Ground Water Sources (IDAPA 37.03.11). This notice has been sent pursuant to the Director's Order of May 2, 2005 issued in response to the Surface Water Coalition delivery call and Legislative House Bill No. 737, 2006 Idaho Session Laws 1089, adopted by the Idaho Legislature in 2006.

Sincerely,



David R. Tuthill, Jr.
Director

Copies:

- Idaho Ground Water Appropriators, Inc. – Lynn Tominaga
- Aberdeen-American Falls Ground Water District
- Bingham Ground Water District
- Bonneville-Jefferson Ground Water District
- Magic Valley Ground Water District
- North Snake Ground Water District
- Jefferson-Clark Ground Water District
- Carey Valley Ground Water District
- Randall C. Budge – Racine Olson Chartered
- Michael C. Creamer – Givens Pursley LLP
- John K. Simpson – Barker Rosholt & Simpson, LLP
- Josephine Beeman – Beeman & Associates
- Lyle Swank – IDWR Eastern Region and Water District No. 110
- Allen Merriitt – IDWR Southern Region
- Earnest Carlsen – Water District No. 120
- Cindy Yenter – Water District No. 130
- Bob Schaeffer – Water District No. 34

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