

September 16, 2005

Mr. Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

SEP 21 2005

WATER RESOURCES
WESTERN REGION

RE: Application for Transfer of Water Rights (Jack and/or Karla Post)

Dear Mr. Lester:

In a letter dated August 16, 2005, you informed us that the Application for Transfer in the name of Jack and/or Karla Post filed on or about August 11, 2005 with the southern regional office will not be processed until late in 2006. We also received a similar letter regarding the Mr. Billy Wolfe transfer.

The water right involved with the Post transfer (and Wolfe transfer) has already been reviewed by the Idaho Department of Water Resources during the processing of a prior water right transfer in the name of Mr. Ted Johnson (transfer 70405). A second transfer involving the same water right is currently being reviewed by the State Office of IDWR and is anticipated to be approved (Sturdivant). Also, as your records will show, the water right belonged to Bell Rapids prior to my family taking ownership in the early 1970s. The review of the water right for these transfers should be straight forward.

The completion of the Post and Wolfe transfers is important to our family because it represents the last of my father's estate. The estate can then be closed following these water right transactions and our families can move on with our lives. Furthermore, one of the beneficiaries to the proceeds from these transactions is under significant financial and emotional hardship at this time; which the completion of these transfers would go a long way towards relieving.

I would like to request that processing continue under the normal schedule.

I look forward to your response.

Regards,



Charles Arnold
Successor Trustee, Arnold Estate Trust
21168 Redwood Road, Suite 130
Castro Valley, CA 94546

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70405**

This is to certify that: EDWARD A JOHNSON
10464 W GARVERDALE CT STE 710
BOISE ID 83704
(208)377-4104
And/Or

JANICE JOHNSON
10464 GARVERDALE CT
BOISE ID 83704
(208)377-4104

have requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
2-10204	AJC/License	12/16/1963	5.3 cfs	1254 af	N/A	313.5	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

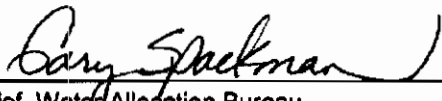
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-10204	YES	YES	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
2-10204	47-17105	0.68 cfs	160 af	N/A	40.0	2-10224	4.62 cfs	1094 af	N/A	273.5
COMBINED TOTALS		0.68 cfs	160 af	N/A	40		4.62 cfs	1094 af	N/A	273.5

Detailed Water Right Description(s) attached

Dated this 13th day of November, 20 03



Chief, Water Allocation Bureau

SCANNED
NOV 13 2003

WATER RIGHT NO. 2-10224
As Modified by Transfer No. 70405

In accordance with the approval of Transfer No. 70405, Water Right No. 2-10224 is now described as follows.

Right Holder: ARNOLD ESTATE TRUST
CHARLES K ARNOLD TRUSTEE
1118 NAVALLE CT
PLEASANTON CA 94566

Priority Date: December 16, 1963

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	4.62 CFS	1,094.0 AF
			4.62 CFS	1,094.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 16, Twp 07S, Rge 13E, TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	12E	26	40.0	40.0	38.0	40.0									40.0	39.0	36.5		273.5

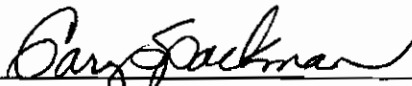
Total Acres: 273.5

CONDITIONS OF APPROVAL

1. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of November, 2003


Chief, Water Allocation Bureau

SCANNED
NOV 13 2003

WATER RIGHT NO. 47-17105
As Modified by Transfer No. 70405

In accordance with the approval of Transfer No. 70405, Water Right No. 47-17105 is now described as follows.

Right Holder: EDWARD A JOHNSON
 10484 W GARVERDALE CT STE 710
 BOISE ID 83704
 (208)377-4104

Priority Date: December 16, 1963

Source: UNNAMED STREAMS **Tributary:** SALMON FALLS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.68 CFS	160.0 AF
			0.68 CFS	160.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE¼SE¼ Sec. 31, Twp 08S, Rge 14E, TWIN FALLS County

UNNAMED STREAM NW¼NW¼ Sec. 32, Twp 08S, Rge 14E, TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	32					8.0	32.0											40.0

Total Acres: 40

CONDITIONS OF APPROVAL

1. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. In relation to water rights from the Snake River, the date of priority for this right is December 16, 1963. In relation to other water rights on Salmon Falls Creek and its tributaries, the date of priority for this right is advanced to March 10, 2003, except that the priority date shall be December 16, 1963, when (1) all rights from the Snake River and its tributaries upstream from Govt. Lot 2 (SE¼NE¼) of Sec. 16, T7S, R13E, that are junior to any other rights from Salmon Falls Creek and its tributaries have been curtailed to supply senior priority rights on the Snake River; and (2) all junior rights on Salmon Falls Creek and its tributaries also have been curtailed to supply senior priority rights on the Snake River.

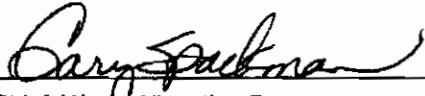
WATER RIGHT NO. 47-17105
As Modified by Transfer No. 70405

CONDITIONS OF APPROVAL CONTINUED

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
7. The total instantaneous diversion of water from all points of diversion under Rights 47-17105 shall not exceed 0.68 cfs, nor total combined annual volume of 160 af.
8. Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts at any of the following locations: Weiser, 4750 cfs; Johnson Bar, 5000 cfs; Lime Point 13,000 cfs.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of November, 2003



Chief, Water Allocation Bureau