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October 20, 2006

Via Facsimile

Ms. Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
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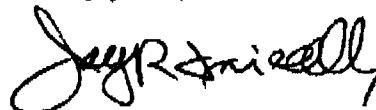
Re: Application for Transfer no. 72128 (Water Right Nos. 61-2072, 61-2167,
61-2170, 61-2210, 61-7184, 61-7339) in the name of the City of Mountain Home

Dear Ms. Wigle:

I write to you as the Mountain Home City attorney concerning the above matter. I have enclosed a copy of the Comments of the City of Mountain Home to the Conditions of Approval contained in the Staff Memorandum dated October 4, 2006.

If you have any questions, please do not hesitate to call me.

Sincerely yours,



Jay R. Friedly

JRF:alm
Enclosure

cc: John K. Simpson (w/encl.)

Re: Application for Transfer no. 72128 (Water Right Nos. 61-2072, 61-2167, 61-2170, 61-2210, 61-7184, 61-7339) in the name of the City of Mountain Home

CONDITIONS OF APPROVAL

Comments of the City of Mountain Home

Paragraph 1: Does the Department update the digital boundary of the City as the City annexes property and its boundary expands?

Paragraph 3: The City has already installed a measuring device for each point of diversion. The City currently only reads and reports the production for each well on a weekly basis. Can the requirement of daily reporting be changed to weekly? If the reporting period cannot be changed from daily to weekly, can the City average the weekends so readings will not have to be taken by City employees working overtime?

Paragraph 5: The City feels that it is already irrigating more land than the new rights being transferred to the City will provide. Can the first line in this paragraph be changed to begin, "Every 5 years, or more or less frequently if deemed appropriate by the Department . . ." It seems that if the City establishes that it is irrigating more land than what the new rights provide, then it should not be necessary to provide a report every five years.

Paragraph 6: The City has no accurate way to separate water used for irrigation from water used for other purposes. The best the City can do is measure the water diverted from its wells during the irrigation season and compare that to the amount diverted during the non-irrigation season. From this comparison a fairly accurate estimate can be made of the amounts used for irrigation and the amounts used for other purposes. As previously stated, the City currently measures the volume diverted at each City well on a weekly basis. This should be satisfactory for the Department's purposes.

Paragraph 8: All of the other water rights that the City has are municipal rights. The new rights now being transferred are the first irrigation water rights the City has had. The City does not want to risk forfeiture of the newly acquired water rights. The City can show that the new irrigation water rights will be used for irrigation purposes within the City limits. If the City does this, does it still have to show this every five years? It seems that if the City can show that it will utilize all of the new irrigation rights immediately, that it should not have to report every five years. In light of this can this requirement be removed?

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FACSIMILE COVER SHEETPage 1 of 3Date: 10/20/06

Please deliver the following pages:

To: VICTORIA WIGLE Fax No.: 287-6700From: JAY R. FRIEDLYRe: APPLICATION FOR TRANSFER NO. 72128

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