



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 16, 2006

DENZEL ROWLAND
5195 EAST YACHT CLUB DR
EDEN UT 84310

RE: Water Right No. 37-7747, in the name of James Oliver McDowell
&/or Mary McDowell

Dear Mr. Rowland:

The department acknowledges receipt of your statement of Resumption of Beneficial Use submitted in connection with the above referenced water right. However, the information you provided requires additional clarification. Therefore, enclosed is the original resumption form for you to make changes and to file again with the department, a copy of water right license no. 37-7747, and the Application for Extension of Time to Avoid Forfeiture of a Water Right. Please respond to the following questions:

1. The extent of the irrigation use asks for the amount of acres that were irrigated when irrigation was resumed. Please revise your statement to reflect the number of acres the system is irrigating within the limits of the license.
2. You state that you diverted 0.38 cfs. The license for the water right authorizes a maximum diversion rate of 0.30 cubic feet per second (cfs). I suggest that you change your statement to reflect an amount equal to or less than was licensed.
3. You state that resumption of use was May 15, 2006. When the department received the completed form, May 15, 2006 had not arrived. This resumption of use form is a confirmation of actual beneficial use of a water right. I suggest that you resume use and then file the form with the department.

Please provide the department with the requested information and resumption of use form on or before June 1, 2006:

Additionally, be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Your authority for filing the Resumption of Use statement is unclear. The Change in Address you provided the department is used for right holders who have moved. However, because both of the right holders are deceased, the department requires notification and documented legal

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proof by the current water right holder(s). I am enclosing a Notice of Change in Water Right Ownership for the owner of this water right to complete and file with the department along with the appropriate documentation and filing fee. However, if the probate of the McDowell Estate is not complete, and the property not released to the heir(s), then a copy of the Power of Attorney you referenced is requested. Until the Notice of Change in Water Right Ownership is filed with the department, this water right will remain in the McDowell's names unless it is forfeited.

If you have any questions regarding this matter, you may contact me at (208) 287-4800, or KariLynn Townsend at (208) 287-4952. Ms. Townsend will address any questions regarding the notice of change of ownership.

Sincerely,



Gary Spackman

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COPY

RESUMPTION OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the water right holder(s) has/have resumed the use of water for the water right identified below. This form **must** be returned to the department or the water right will revert to the state of Idaho.

Water Right Number(s) 37-7747

Name of Water Right Holder(s) James Oliver McDowell Mary McDowell

Mailing Address PO. Box 239

Bellvue Idaho Telephone Number 208-788 2436

Source of Water (Groundwater/Surface) Ground Water

Extent of Use: Domestic 0.08 CFS (number of households) (1)

Stockwater _____ (number and type of stock)

Irrigation 0.30 CFS (number of acres irrigated)

Other/Remarks _____

Total rate and/or volume of use 0.38 cfs _____ acre feet

Show the date water use will be or was resumed under this water right 05/15/06

Person to contact to accompany the Department representative if a field examination is conducted:

Name Denzel Rowland Telephone No. 801-710-3264

Address 5195 East Yacht Club Dr. Eden Utah

The above information is my true statement of the extent to which diversion and use of the above-described water right has been resumed.

Date 04/21/06 Signature [Signature]

Denzel Rowland - SON &
POA - The Estate of
James Oliver & Mary McDowell

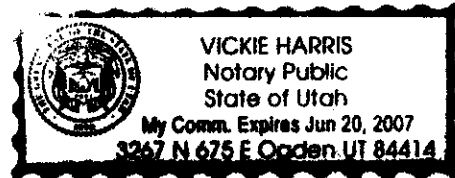
* Both Mary & Oliver are deceased & will be the
Contact person regarding the water rights & property

State of Utah)
County of Weber)

Signed and sworn to (or affirmed) before me on this 21st day of April 2006

by Denzel Rowland.

Vickie Harris
Notary Public
My commission expires: 06-20-07



COPY

"This certificate is attached to a State of Idaho RESUMPTION OF BENEFICAL USE, April 21, 2006, of 3 pages, also signed by Denzel Rowland."