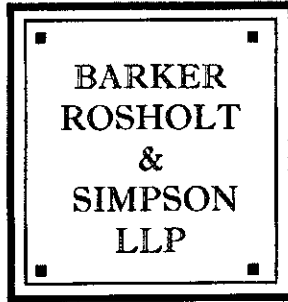


John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis



Travis L. Thompson
tlt@idahowaters.com

113 Main Ave. W., Suite 303
Twin Falls, ID 83301-6167
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

205 N. Tenth St., Suite 520
P.O. Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

March 3, 2005

RECEIVED
MAR 04 2005
Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore St., Ste 200
Twin Falls, Idaho 83301-3380

Re: Water Right Permit No. 47-8278

Dear Allen:

Our firm is assisting Greg & Darla Vierstra on certain water right matters. It has come to our attention that a beneficial use examination has yet to be completed for water right permit no. 47-8278 (.3 cfs stockwater/commercial use) in the name of Norma & Richard Vierstra.¹

The Vierstras would like to have this examination completed as soon as possible. Pursuant to Idaho Code § 42-217 and the Department's beneficial use examination rules, IDAPA 37.03.02 *et seq.*, the Vierstras are willing to provide a certified water right examiner from Brockway Engineering LLC to complete the exam. Please advise if this is acceptable to the Department. Also, please feel free to call me at 733-0700 if you have any questions. Thank you for your attention to this matter.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

cc: Greg & Darla Vierstra

¹ The water right permit is now owned by Phoenix Dairy LLC. Instead of filing a notice of change of ownership, the Vierstras would prefer the name change be reflected when the license is issued for water right no. 47-8278. The Vierstras will provide the pertinent property ownership records necessary to demonstrate the change.