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Hydraulics

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Water Resources

December 11, 2003

Mr. Corey Skinner
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Riverview-Cloverly and Rinker water right transfers
Project No. 427-01-2000

Dear Corey:

This letter is in response to your November 26, 2003 inquiry.

Filing Fees

As you requested, please consider this letter to be a formal request that the eight (8) new transfer applications replace the original six (6) applications. Please apply the original filing fees to all of the new applications except Transfer #2GW and Transfer #4GW. These two applications are for 0.20 cfs or less, and so will require an additional fee of \$100 each. Enclosed is a check for \$200 to cover filing fees on these applications.

Agreement and Quitclaim Deeds

Enclosed is a signed Agreement between all Riverview lot owners and Harry Rinker, which clarifies ownership of groundwater right 37-2640 and surface rights 37-521, 37-522, and 37-523. The agreement specifies that seven (7) acres of the groundwater will be conveyed to the Blooms for use on Lots 2 and 3, three (3) acres will be conveyed to the Blooms for use on the entrance area, and the remaining two (2) acres will be retained by Mr. Rinker for transfer to his land east of the highway. Since the two (2) acres of groundwater retained by Mr. Rinker are likely stacked with the surface water, paragraph 2.C. specifies that any stacked surface water may be transferred with the groundwater retained by Mr. Rinker.

Please also note the new provision in paragraph 3.D., in which Riverview-Cloverly agrees to convey the remainder of the surface rights which are not stacked with groundwater to Mr. Rinker. This amount currently stands at 23.0 acres, but may depend on IDWR's final determination of historical acreage; therefore, a quitclaim deed is not being executed at this time.

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Quitclaim deeds as follows are enclosed pursuant to the above provisions of the agreement:

- Rinker to Bloom for 7.0 acres of 37-2640A (Lots 2 and 3).
- Rinker to Bloom for 3.0 acres of 37-2640A (Entrance area).
- Riverview-Cloverly Irrigation, Inc. to Rinker for 2.0 acres of 37-521B, 37-522B, and 37-523B to go with the 2.0 acres of 37-2640A retained by Rinker.
- Riverview-Cloverly Irrigation, Inc. to Rinker for 23.0 acres of 37-521B, 37-522B, and 37-523B (unstacked surface water).

Based on our various discussions and your letter of November 26, 2003, I am addressing the following issues:

Transfer #1

Authority to file: Jim Speck is the corporate attorney for Riverview-Cloverly Irrigation Inc and its registered agent. The president of the corporation is Jacob Bloom and has authority to execute the transfer applications. Documentation from the Idaho Secretary of State is enclosed.

Point of diversion location: The shareholders of Riverview-Cloverly via their attorneys indicated their desire to have the point of diversion at the Big Wood River rather than from the Purdum Slough. The watermaster is also in favor of this approach. This is the point of diversion described on the transfer application.

Transfers #3 and #4

Ownership issue: The ownership of the 2.0 acres of unstacked surface water to be transferred to Little Mackawao / Gimlet West subdivision was resolved by the Agreement and subsequent quitclaim deed. As far as the ownership of the proposed places of use, an aerial map is enclosed showing a GIS overlay recently obtained from the Blaine County GIS Department. This map reflects ownership information from the Blaine County Assessor. The map shows the places of use for Transfer #3 (Nickelson – Lot 2, Gimlet West) and Transfer #4 (Monroe – Lot 4, Little Mackawao).

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Transfer #1GW

Ownership issue: The transfer application has been modified to list 11 acres and 0.22 cfs to comport with the deed from Rinker to Gordon (revised Part 1 and Part 2 enclosed).

Point of diversion issue: The well to be used for the irrigation is an existing well located in the NWSWNE Sec. 32 (this is the east well on Lot 1). Page 1 of the application has been modified to reflect this. The west well is also existing, but is a domestic well only supplying the residence.

Transfer #2GW

Ownership issue: The transfer application has been modified to list 7.0 acres and 0.14 cfs to comport with the Agreement and the quitclaim deed from Rinker to Bloom (revised Part 1 and Part 2 enclosed).

Authority to file issue: The applicant name has been changed to Jacob and/or Ruth Bloom. In our previous discussions, you indicated this would likely be acceptable. Please note that the Agreement was signed by both Jacob and Ruth Bloom, which certainly indicates Mrs. Bloom's concurrence.

Point of diversion issue: The wells listed on the application are existing wells, both of which serve the irrigation system.

Transfer #3GW

Authority to file issue: The applicant name has also been changed to Ward and/or Priscilla Woods (revised Part 1 enclosed). In our previous discussions, you indicated this would likely be acceptable. Please note that the Agreement was signed by both Ward and Priscilla Woods, which certainly indicates Mrs. Wood's concurrence.

Point of diversion issue: The well in the SENESW Sec. 32 is existing, and also serves the residence. The well in the SENWSE Sec. 32 is a proposed well to be drilled to provide an additional supply for the irrigation system.

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Transfer #4GW

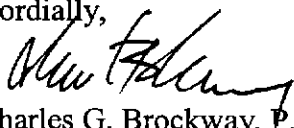
Ownership and authority to file issues: Part 1 of the transfer application has been modified to list 3.0 acres and 0.06 cfs to comport with the Agreement and the quitclaim deed from Rinker to Bloom. This amount in combination with the 2.0 acres / 0.04 cfs originally deeded to Bloom for the entrance area will comprise the 5.0 acres of irrigation on this parcel. The Agreement spells out the fact that the water right(s) will be owned by Bloom for use on the entrance area, even though portions of the land are owned by both Gordon and Bloom (see Paragraph 2.B. of the Agreement).

The applicant name has also been changed to Jacob and/or Ruth Bloom. In our previous discussions, you indicated this would likely be acceptable. Please note that the Agreement was signed by both Jacob and Ruth Bloom, which certainly indicates Mrs. Bloom's concurrence.

Point of diversion issue: The well is existing.

With this information, I believe all transfer applications may continue to be processed. Thank you for your immeasurable patience as we worked out the details on these rights. Please call me if you need anything further.

Cordially,


Charles G. Brockway, P.E.

Enc.

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