

File: Water DIST 13-T

September 2, 2003

Mr. Kent Foster
Holder, Kidwell, Hahn & Crapo
US Bank Building
330 Shoup Ave, Third Floor
Idaho Falls, ID 83405

RE: Petition for Delivery Call

Dear Kent:

I am in receipt of the Petition For Delivery Call you filed with the department on behalf of Mr. Warren Lloyd of Bancroft, Idaho. In reviewing the facts presented in this petition we need some further clarification before the Department can respond to your petition.

It was our understanding that Warren Lloyd is not, and has not been the operator of the subject land and irrigation systems for at least three years. Further it is our understanding that he has leased the ground to Terry Rindlessbaker who pays your client a cash lease. According to Mr. Rindlessbaker he is current on his lease with Mr. Lloyd and is not complaining about the water supply he has had for the property he is leasing. Mr. Rindlessbaker in fact tells us his potato crop looks pretty good.

The department is looking at spending a significant amount of money in addressing the allegations made in your petition. Therefore before we take any action on this matter we would like a better understanding of the exact nature of Mr. Lloyd's alleged injury.

Very truly yours,

Ronald D. Carlson
Eastern Regional Manager