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February 8, 2018

VIA U.S. MAIL AND E-MAIL (ERIK.BOE@IDWR.IDAHO.GOV)

Erik Boe
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: *Draft License No. 63-9139*

Dear Mr. Boe:

On behalf of Edwards Family LLC, I hereby submit the following comments on the draft License No. 63-9139 you provided for review by e-mail of January 25, 2018.

Points of Diversion: It would be important to identify the location of the authorized re-injection well to be used for mitigation in conjunction with this License in this License section.

Conditions: A condition should be added stating that Permit No. 63-9138 is to be relinquished and shall be of no further force or effect. Also, language should be added to Condition #5 to identify the Stipulated Agreement and the Second Stipulated Agreement that were accepted and adopted by the September 6, 2002, and January 18, 2011, IDWR Orders and to incorporate both Stipulated Agreements' terms and their exhibits and attachments by reference. The Stipulated Agreements have many important terms that provided the basis for acceptance of this water right by the parties and IDWR, including without limitation, a monitoring and reporting plan and a mitigation plan. The current draft language of Condition #5 also should be revised to indicate the right is subject to a moratorium and to provide that the right remains subject to any additional legal requirements that may become applicable.

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Thank you for the opportunity to submit these comments. Please do not hesitate to contact me if you have any questions or need further information about these comments.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

DRAFTED BY MS. HOFSTETTER
BUT SENT WITHOUT
SIGNATURE TO AVOID DELAY

Dana L. Hofstetter

DH:tas

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