

RESPONSE TO REQUEST FOR ADMISSION NO. 2: Objection, the hearing office did not authorize requests for admission. The Applicant additionally objects because the request for admission is vague and ambiguous. Without waiving said objection, and as nearly as we understand this request, Transfer No. 80150 has not yet been approved, and therefore, the above water rights do not have a combined diversion rate limitation. We presume that the Department may include a condition with a combined diversion rate limit of 5.76 cfs in an order approving Transfer No. 80150 if it is approved, and we would not object to the inclusion of this combined diversion rate limit.

REQUEST FOR ADMISSION NO. 3: Admit water rights 74-740, 74-741, 74-742, and 74-7147 are not limited to a diversion rate of .02 cfs of water per acre.

RESPONSE TO REQUEST FOR ADMISSION NO. 3: Objection, the hearing office did not authorize requests for admission. Without waiving said objection, Applicant admits that the above water rights are not limited to a diversion rate of .02 cfs of water per acre. However, the Applicant would note that many water rights in the Lemhi River Basin include diversion rates that exceed .02 cfs per acre.

REQUEST FOR ADMISSION NO. 4: Admit water right application for permit no. 74-16008 requests 5.76 cfs of spring water to be used on 186.2 acres, which is .03 cfs of water per acre.

RESPONSE TO REQUEST FOR ADMISSION NO. 4: Objection, the hearing office did not authorize requests for admission. Without waiving said objection, Applicant denies the request for admission because it is confusingly worded. The application for 74-16008, as it now stands, seeks to ability to divert up to 5.76 when any of the Applicant's base water rights (Water Right Nos. 74-740, 74-741, 74-742, and 74-7147) are out of priority. Therefore, it is only when the base water rights are not in priority that 74-16008 will be exercised to divert the full 5.76 cfs