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March 19, 2015

VIA E-MAIL - Allen.Merritt@idwr.idaho.gov
ORIGINAL WILL NOT FOLLOW

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Re: Edward and Karen Gilhuly Trust - Approved Amended Transfer 79710
Our File No. 115/080076

Dear Allen:

I represent the Edward and Karen Gilhuly Trust, owners of Water Right No. 37-2165B (the "Water Right"). Amended Transfer No. 79710 (the "Amended Transfer") was approved by you and issued as a preliminary order of the Idaho Department of Water Resources (the "Department") on March 9, 2015. It was then served by mail on my client and me that same day. The Amended Transfer includes as a condition of approval the following (the "Condition"):

3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

This letter is a petition by my client requesting the Department to reconsider the inclusion of the Condition on the basis of the following:

First, the Partial Decree for the Water Right issued by the SRBA Court on September 24, 2010 does NOT include any annual diversion limitation.

Second, the Transfer does NOT change the place of use or the number of irrigated acres. The ONLY change is to move the point of diversion downstream along Adams Gulch Creek approximately 1000 ft. The Transfer does not include any factual finding on which to base the imposition of the Condition due solely to the change in point of diversion.

Third, a diversion volume restriction is not appropriate for flood irrigation, the historic use on that property. However, we agree it is proper for sprinkler irrigation and my clients will accept

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the insertion of the word "sprinkler" before the word "irrigation" in the Condition.

Please reply to this e-mail letter to confirm your receipt of the petition for reconsideration.
Kindly call me if you have any questions. Thanks you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

A handwritten signature in black ink, appearing to read "Jim", written over the printed name of James P. Speck.

James P. Speck

JPS/dlh

cc: client
Jim Verdone
Dr. Charles G. Brockway