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DEPT OF WATER RESOURCES
SOUTHERN REGION

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March 4, 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 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"). Transfer No. 79710 (the "Transfer") was approved by you and issued as a preliminary order of the Idaho Department of Water Resources (the "Department") on February 23, 2015. It was then served by mail on my client and me that same day. The 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 0.02 cfs per acre nor 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 such condition. The decreed quantity of the Water Right is 0.15 cfs for the irrigation of 6.7 acres, or 0.022 cfs per acre. The Transfer includes the same quantity and place of use, but the Condition effectively reduces that quantity to 0.134 cfs.

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.

Mr. Allen Merritt
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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

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