



December 14, 2004

Mr. Allen Merritt
Southern Region Manager
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

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Re: IDWR Application 37-08859 (SMR Development LLC) October 1996

Dear Allen,

I am writing on behalf of Pamela Smith Tucker, regarding an IDWR Application 37-08859 (SMR Development LLC). Mrs. Tucker issued a protest to the aforementioned permit on December 9, 1996.. Recently, William Carter has requested that Mrs. Tucker withdraw her protest.

The Wood River Land Trust holds a Conservation Easement Agreement on Mrs. Tucker's 315 acre property on the West Fork of Three Mile Creek. The easement protects, for the public good, the conservation values of the property including the natural, scenic, agricultural, recreational, open space, and water resources. These conservation values are dependent upon sufficient in-stream flow in the West Fork of Three Mile Creek. These flows, however seasonal, are critical to maintaining the functioning riparian habitat. Approximately 40 acres of the property is natural riparian habitat.

The terms of our Conservation Easement Agreement with Mrs. Tucker protect the West Fork of Three Mile Creek and "the relatively natural habitat of wildlife and fauna indigenous to the Property's riparian areas." Any reduction in flow could affect the conservation values protected by the Conservation Easement Agreement. Therefore the Wood River Land Trust supports Mrs. Tucker's decision not to withdraw her protest.

Thank you for your consideration. Please do not hesitate to contact me with any questions.

Sincerely,

Kate Giese
Stewardship Coordinator

119 E. Bullion Street
Hailey, Idaho 83333

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Cc: Pamela Smith Tucker, William Carter