



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

March 27, 2009

MICHAEL C CREAMER
GIVENS PURSLEY LLP
PO BOX 2720
BOISE, ID 83701

Re: Wilderness Ranch Owners Association's (WROA) Lucky Peak Storage

Dear Mr. Creamer:

The Department has received your letter summarizing past discussion about Lucky Peak storage water and proposing terms for an agreement constituting a mitigation plan to allow for continued diversion when WROA rights otherwise would be out of priority. The Director has asked me to respond on his behalf.

We believe your letter accurately summarizes past discussion and understandings on the matter and agree that the proposed terms will serve as an initial framework for an agreement and future mitigation plan. We look forward to working with you on this matter as you progress towards completion.

Sincerely,

Jeff Peppersack, Chief
Water Allocation Bureau

c: Jerrold D. Gregg – U.S. Bureau of Reclamation
Rex Barrie – Water District 63