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DEPARTMENT OF
WATER RESOURCES

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February 9, 2009

Shelley Keen
Idaho Department of Water Resources
PO Box 83270
Boise, ID 83720-0098

Re: Conditions on Permit No. 23-11387.

Dear Shelley:

This letter is in regards to the Order granting our petition for reconsideration for one of the conditions in Permit No. 23-11387. This letter is simply intended to inform you that we are comfortable with the language you have included in the amended condition no. 6, and do not intend to have the condition further refined.

To the extent that my client decides to construct a sand point, we will provide a report by a licensed engineer to the Department prior to construction. Once approved by the Department, we would then begin construction of the sand point. As I have stated previously, my client is not 100% sure how he wants to divert water from the creek, but we feel that the condition currently drafted covers all of the potential methods which he would employ.

Thanks again for your assistance.

Sincerely,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

cc: clients

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