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DEPARTMENT OF
WATER RESOURCES

December 10, 2008

GARY SPACKMAN
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
P.O. BOX 83720
BOISE, IDAHO 83720

Dear Mr. Spackman:

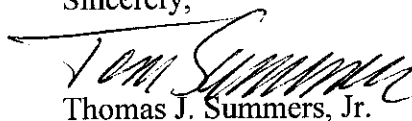
The enclosed request is made in regards to Water Right No. 23-11333. Today I met with Mr. Ronald D. Carlson and Ernie Carlson at the IDWR office in Idaho Falls, Idaho. They in conjunction with Mr. Lyle Swank determined and agreed that Pine Creek, upon which my Water License 23-11333 applies, does not flow to the Snake River; nor does Antelope Creek of which Pine Creek is a tributary.

Mr. Swank is placing a letter in my file that precludes me from being required to rent water with our license. Mr. Ron Carlson suggested that I write a letter to you requesting that the condition in the license requiring that I rent water be removed from the license. I kindly petition that the water rental clause be removed from the Water license No. 23-11333.

I sent an e. mail today to you via Mr. Shelly W. Keen containing the above information.

I sincerely await your affirmative response to the above request.

Sincerely,



Thomas J. Summers, Jr.
5055 Jupiter Hills Dr.
Idaho Falls, Idaho 83401

-cc: Shelley Keen