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March 23, 2006

VIA FACSIMILE

Erin Retelle
Department of Water Resources
FAX NO. 208-287-6700

Re: Application for Permit 34-13838

Dear Ms. Retelle:

In response to your query, please be advised that the mitigation plan will affect all four water rights that have been identified. All four water rights come out of Cherry Creek and overlap the area that has been discussed.

Please advise if this is all of the information that you need or if any other information needs to be supplied.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marvin M. Smith", is written over a horizontal line.

Marvin M. Smith
MMS/DCB