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October 24, 2006

Mr. Jeff Peppersack
Manager
Water Rights Permit Section
322 East Front Street
Boise, ID 83720-0098

OCT 27 2006

Re: Application for Transfer No. 72440

Dear Mr. Peppersack,

In response to your August 28, 2006 letter, we reviewed the matter and are willing to accept the proposed conditions. These conditions include:

43-2381

The consumptive use of water under this right shall not exceed 402.6 acre-feet per year.

43-2534B

The consumptive use of water under this right shall not exceed 539.2 acre-feet per year.

We understand that the above consumptive uses for water rights 43-2381 and 43-2534B are not "expanded uses" as defined under Idaho Code § 43-1416B. Furthermore, we understand that the total transferred combined consumptive volume for rights 43-2381, 43-2534B, and 43-10069 will be limited to 1544 acre-feet per year ("afa"). This is based on the prior finding by IDWR in this transfer proceeding that the entire 1544 afa. was fully consumed by crops in the past, under the pivot irrigation system in a deficit condition.

Please promptly finalize the referenced transfer application consistent with this letter.

Sincerely,

Doug Glaspey
Chief Operating Officer