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SEP 28 2005

DEPARTMENT OF
WATER RESOURCES

September 26, 2005

Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Right Nos. 63-8206 and 63-11053

Dear Sir or Madam:

I am writing on behalf of my client, Trinity Springs, Inc, to request a correction of what appears to be a data entry error in one of the conditions associated with Water Right No. 63-11053. The combined use condition should be changed to refer to Water Right No. 63-8206 and a combined diversion rate of 0.07 cfs.

Water Right No. 63-11053 is a "post-commencement right" (proof was submitted subsequent to the initiation of the SRBA). The license was issued on July 16, 1992. It remains at the license stage and has not been claimed or adjudicated in the SRBA. Consequently, the Department has authority and jurisdiction to make this correction.

Water right 63-11053 is a companion and "add-on" to Water Right No. 63-8206, for which a partial decree has been issued superceding the prior license. Both water rights utilize the same spring and delivery system. Both are used for the same essentially non-consumptive office heating/commercial purposes. The new right, No. 63-11053, had the effect of increasing the annual diversion volume by adding an additional 13.9 acre-feet to the 6.9 acre-feet specified for No. 63-8206. The diversion rate for the two rights was intended to remain unchanged at 0.07 cfs. (The permit for No. 63-11053 was for a higher number, 0.15 cfs, but was cut back to 0.07 at the proof stage to match the diversion rate for 63-8206.)

When it was licensed in 1992, Water Right No. 63-11053 should have been conditioned to provide that when used in conjunction with Water Right No. 63-8206 the total combined diversion rate would not exceed 0.07 cfs. This diversion rate is consistent with the Beneficial Use Field Report, which includes a calculation of acre-feet based on a diversion rate of 0.07, and with the stated diversion rate of 0.07 cfs on both licenses, and the subsequent partial decree on No. 63-8206.

Unfortunately, it appears that a typographical error occurred in the data entry process. Consequently, condition number 7 on the license for No. 63-11053 referenced combined use with No. 63-8207, not No. 63-8206. (Water Right No. 63-8207 is an unrelated surface right.) This lead to a further error, because the incorrect linkage picked up the diversion rate of 0.04 cfs associated with No. 63-8207, rather than 0.07 cfs associated with No. 63-8206.

I request that this typographical error be corrected. A corrected license for Water Right No. 63-11053 should be issued showing a condition limiting the use of No. 63-11053 and 63-8206 to a total combined diversion rate of 0.07 cfs.

I would be pleased to provide any additional information you require. On behalf of Trinity Springs, Inc., I thank you in advance for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Meyer", with a long horizontal flourish extending to the right.

Christopher H. Meyer

cc: Dean M. Barney, Chief Operating Officer, Trinity Springs, Inc.
Norman C. Young, ERO Resources Corp.