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December 22, 2015

Nick Miller
Regional Manager
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Permit No. 63-32499 (Draft Permit)
Mayfield Townsite LLC

Dear Nick:

I have discussed the draft permit with my client. One question that came up was with regard to Condition No. 13 which deals with Swan Falls minimum flows and trust water. The condition indicates the applicant will fully participate in requirements imposed on other water rights to deal with trust water issues. My client pointed out this application was applied for and planned around the IDWR trust water boundaries. Because the diversions and water are outside of IDWR designated trust water boundaries, it is not appropriate to treat the application as if it was a trust water right. Whether or not this condition would even affect this permit is not evident since there aren't requirements with regard to other rights. Rather, the condition seems to suggest that one day there might be a plan or other requirement for other water rights.

Since this is not a trust water application, my client does not believe this is a valid or realistic condition. Further, it is impossible to even identify what my client could object to at this point. If the IDWR chooses to include the condition, my client is not waiving any right with regard to challenging some future requirement that might derive from this condition. I am glad to discuss

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this matter further if you'd like. I think there could be some alternative language that might be more appropriate that could address IDWR concerns as well as the applicant's.

Sincerely,
MOORE SMITH BUXTON & TURCKE, CHTD.



Bruce M. Smith

BMS:kd
cc: Client