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MAY 27 2015

DEPARTMENT OF
WATER RESOURCES

INNOVATIVE MITIGATION SOLUTIONS, LLC
2918 N. EL RANCHO PL.
BOISE, ID 83704

May 27, 2015

Hearing Officer Mat Weaver
Sent via Email

RE: Applications for Permit 37-22682 and 37-22852, Information Relative to Financial Resources

Dear Hearing Officer,

This letter is provided in response to the *Order Granting Motion to Compel* dated May 21, 2015. I was out of state for the Memorial Day weekend from early on the morning of May 22nd until late at night on the 26th. Also, the title of the May 22nd email notification of this Order did not imply inclusion of the *Order Granting Motion to Compel* so I did not read it while on this vacation. Consequently I did not receive notice of this Order until opening it with my U.S. mail this morning. Thus, this information is being provided to you today rather than yesterday when it was due.

As indicated in the *Order Granting Motion to Compel*, the Hearing Officer has determined that financial information should be submitted now and made available to the parties, rather than in a confidential manner at the hearing as requested by the Applicant. Guidance under IDAPA Rule 37.03.08.040.05. is as follows:

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:

i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.

ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.

Plans and Specifications Along with Estimated Construction Costs for the Project Works

Applications for Permit 37-22682 and 37-22852 are similar to many other ground water recharge projects in Idaho in that they propose to primarily use existing works. See, for example, Water Right Permits 01-10625 and 01-10626, which were approved for ground water recharge with places of use described in the manner of Applications for Permit 37-22682 and 37-22852. The places of use for Applications for Permit 37-22682 and 37-22852 are proposed to be the existing canals, where they exist, plus additional locations where water can be spread over adjacent land. The proposed works are further described in Attachment A.

Financial Information

As stated in earlier documents, Innovation Mitigation Solutions, LLC is a private company, fully owned and managed by three principals as follows:

- David R. Tuthill, Jr.
- Hal N. Anderson
- Joseph P. Langfield

Thus, the financial capability of the company consists of the financial capabilities of the three principals. The financial requirements for these applications are low enough to be met by just one of the principals, David R. Tuthill, Jr., so certain financial information of only this principal is provided. This limits to some extent the provision of this personal information to the public domain.

In compliance with the *Order Granting Motion to Compel*, please find attached documents providing the following:

- The financial requirements of the two applications in question.
- Financial Information for David R. Tuthill, Jr.
 - Letter from Key Bank.
 - Redacted Statement of Account with PERSI.
 - Redacted Statement of Account with Ameriprise Financial.
- Letter from Idaho Water Engineering, LLC.

I will be willing to answer any questions regarding this information at the pre-hearing conference scheduled to be held tomorrow morning.

Sincerely,



David R. Tuthill, Jr., Ph.D., P.E.
Manager, Innovative Mitigation Solutions, LLC

Attachments:

- Attachment A. Plans and Specifications Along with Estimated Construction Costs for the Project Works for Applications for Permit Nos. 37-22682 and 37-22852
- Attachment B. Letter of financing from Key Bank.
- Attachment C. Redacted Statement of Account from PERSI.
- Attachment D. Redacted Statement of Account with Ameriprise Financial.
- Attachment E. Letter from Idaho Water Engineering.