



April 29, 2024

Idaho Department of Water Resources
322 E. Front St.
Boise, ID 83702

All,

I am writing on behalf of my client, Recharge Development Corporation (“RDC”), to discuss the status of RDC’s *Petition Requesting Initiation of Contested Case, Request for Hearing, and Request for Order Authorizing Discovery* (“Petition”) filed *In the Matter of Determination of Extent of Beneficial Use Made Under City of Gooding Recharge Water Right Permit No. 37-23059 During Calendar Year 2022*.

RDC maintains that it properly measured and put the water present in the Gooding Bypass Channel (“GBC”) to an authorized beneficial use, aquifer recharge, in accordance with provisions of the Water Right Permit No 37-23059 (“Permit”), and that the Department should have recognized the full volume of recharge measured and reported by RDC during calendar year 2022.

However, after considering this matter further, RDC has determined that it will not proceed with contested proceedings, provided the Department is still committed to recognizing that RDC performed 1,341.0 acre-feet of aquifer recharge during calendar year 2022 as set forth in Rob Whitney’s March 1, 2024, email to RDC. Should similar issues arise in the future, RDC is still committed to protecting its interest in receiving recognition from the Department of the water it puts to beneficial use.

Please let me know if the Department will commit to recognizing that RDC recharged 1,341.0 acre-feet of water in the GBC during calendar year 2022. If so, RDC will withdraw its Petition consistent with the explanation provided in this letter.

Sincerely,

/s/ Skyler C. Johns
OLSEN TAGGART PLLC