



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 24, 2014

SANDRA CHESS
JIM BUNCE
CRIS & RANDY MCCLINTICK
MOORE SMITH BUXTON & TURCKE CHTD
ALLEN RANCH

RE: Conversation between the Hearing Officer and attorney Bruce Smith

Dear Parties:

I am writing to inform you that on January 23, 2014, I had a conversation with attorney Bruce Smith to answer a question about the interlocutory order I issued on January 15, 2014, in the matter of Application for Permit No. 65-23493 and Application for Transfer No. 78252 filed by Allen Ranch LLLP. I conversed with Mr. Smith based both on his representation that each of you had assented to such a conversation and on emails supporting that representation.

Mr. Smith asked me to clarify my reference to "another forum" in the following statement from the order:

The Hearing Officer does not intend to address the flood damage question. To preserve the question of flood damage prevention for another forum, the Hearing Officer will change this statement as follows

I explained to Mr. Smith that this proceeding is narrowly focused on the water right transfer application and the application for permit. The issue of unregulated high water flowing from Rock Creek into Little Rock Creek is not an issue to be addressed in this proceeding and, therefore, I have not addressed it. If any party believes it is an issue that should be addressed, it must be done in some future judicial or administrative proceeding not instituted by me. It will not be addressed in this water right proceeding. Consequently, I do not believe it is necessary, nor do I intend, to convene another hearing.

Moving forward, if I receive no further petitions for clarification of the interlocutory order before January 29, I expect the Department to issue a transfer approval and a permit in accordance with the parties' stipulation at the end of January or very early in February.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen".

Shelley W. Keen
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2014, I mailed a true and correct copy, postage prepaid, of the foregoing LETTER REGARDING CONVERSATION BETWEEN HEARING OFFICER AND BRUCE SMITH to the person(s) listed below:

RE: Transfer No. 78252 65-3111X
Application for Permit 65-23493

SANDRA CHESS
1200 LIZASO AVE
BOISE ID 83709

JIM BUNCE
C/O HAVASU RV RESORT
1905 VICTORIA FARMS RD 350
LAKE HAVASU AZ 86404

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PO BOX 7
OROVADA NV 89425

BRUCE SMITH
MOORE SMITH BUXTON & TURCKE CHTD
950 W BANNOCK STE 520
BOISE ID 83702

ALLEN RANCH LLP
2624 S INGLENOK PLACE
MERIDIAN ID 83642

A handwritten signature in cursive script, reading "Jean Hersley", is written over a horizontal line.

Jean Hersley

Technical Records Specialist II