

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
950 W. BANNOCK STREET, SUITE 520; BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202 www.msbtlaw.com

STEPHANIE J. BONNEY≈
SUSAN E. BUXTON*
PAUL J. FITZER
JILL S. HOLINKA
CHERESE D. McLAIN
BRUCE M. SMITH
PAUL A. TURCKEº

JOHN J. MCFADDEN *Of Counsel*
MICHAEL C. MOORE‡ *Of Counsel*

* Also admitted in Oregon
º Also admitted in South Dakota
≈ Also admitted in Utah
‡ Also admitted in Washington

December 9, 2013

*Via Email: shelley.keen@idwr.idaho.gov
Hard Copy Via U.S. Mail*

Shelley Keen
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

DEC 10 2013

WATER RESOURCES
WESTERN REGION

RE: Application for Permit No. 63-23493 and Application for Transfer No. 78252

Dear Mr. Keen:

Through your office, I am in receipt of a letter dated December 6, 2013, from Ms. Sandra Chess on behalf of West Mountain Water Association, Inc. involving legal proceedings before IDWR. The letter addresses not only the issue of representation by a corporation by a non-attorney, but also proceeds to make legal arguments to support the corporation's position in proceedings before the IDWR. The content of the letter itself demonstrates not only that Ms. Chess has actual notice she cannot represent the corporation, but that she continues to do so notwithstanding that knowledge. This is a clear violation of the Supreme Court's ruling which you pointed out to her. The legal arguments asserted by Ms. Chess on behalf of the corporation must be set aside due to her unauthorized practice of law. In addition, I would note that Ms. Chess did not copy me with her ex parte communication with the hearing officer.

Sincerely,

MOORE SMITH BUXTON & TURCKE, CHARTERED



Bruce M. Smith
Attorney for Applicant Allen Ranch LLLP

BMS:kd

cc: Protestants