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DEPARTMENT OF
WATER RESOURCES

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Sandra Chess
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Protestant

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 78252 and APPLICATION)
FOR PERMIT 65-23493 IN THE NAME)
OF ALLEN RANCH LLP)

**Clarification in support
of Motion to Continue
per Allen Ranch LLP's
response of Oct. 28, 2013.**

The following is submitted in reply to Allen Ranch LLP's response to the Motion to Continue filed with IDWR by Protestant Sandra Chess, in the above matters. In that response, Allen Ranch LLP seeks clarity to what is meant by "finalized" in reference to certain SRBA proceedings. "Finalized" is intended to mean, at which time the Judge in the case issues an order approving or denying Allen Ranch LLP's Motion for Relief From Judgment to amend water right 65-3111X.

Allen Ranch LLP's response states that attorney fees will not be incurred by the Protestant as a "non-party" in the SRBA proceedings. The deadline to join in the proceeding to the SRBA has not passed and will not have passed until after the scheduled hearing before IDWR. As a member of West Mountain Water Association, I will be assessed an equal share of the cost of litigation. These costs will be reduced if the need for two hearings is deemed unnecessary, or changes, based on the SRBA ruling. Regardless of the results of the administrative process, the protestants will be forced to join in as objectors to the SRBA proceedings in order to protect our rights. There is also a cost for time off work that will be incurred.

It is clearly understood that more than one issue is being requested before IDWR in the transfer and new water right applications, the upper diversion being the second most significant. These same issues were protested under transfer application 77121 and application for permit 65-23451. Both applications were scheduled for hearing on May 8th and 9th, 2012, but were withdrawn by the applicant on May 2, 2012. After the hearing was cancelled, Allen Ranch, LLP re-filed transfer application 78252 (renumbered) and application for permit 65-23493. These applications were held by IDWR for 14 months before processing. The delay was due to the pending decision in the SRBA for the applicant's Late Notice of Claim 65-23481, in which an order was issued Feb 27, 2013.

The motion to continue is not an ill-disguised attempt to delay, it is sincere. The applicant has caused all delays to date, in the administrative proceedings. The above applications were delayed pending the results of the SRBA proceedings for the Applicant's Late Notice of Claim 65-23481, it is therefore reasonable to request the same delay, pending the SRBA's decision for the applicant's Motion for Relief From Judgment for water right 65-3111X.

Respectfully submitted this 4th day of November, 2013.



Sandra Chess

Certificate of Service

I HEREBY CERTIFY that on this 4th day of November , true and correct copies of the Clarification in Support of Motion to Continue, per Allen Ranch LLP's response of Oct 29, 2012, were sent via Unites States Postal Service, with the proper first class postage affixed, to the following:

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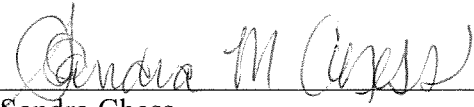
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Sandra Chess