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August 1, 2013

Steve Lester
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

RECEIVED

AUG 05 2013

WATER RESOURCES
WESTERN REGION

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

Dear Steve:

Thank you for the meeting on Friday, July 12, 2013, to go over these applications. I have been working with Mr. Allen to address the points you made. As confirmed in your letter of July 12, 2013, you had asked that Mr. Allen submit his information in 30 days so the applications could be advertised and the temporary authorization to use the historical point of diversion would continue. I told you I would work to get that done within that timeframe. On Monday or Tuesday of the following week, after you left the country, I received a call from John Westra saying the applications would be advertised as they currently read per direction from the state office. Further, on July 31, 2013, I got a call from Jeff Peppersack saying the Director was rescinding the authorization to divert from the historical diversion point. A letter to that effect was then sent. Mr. Allen was very upset that the water is being cut off in the middle of the summer with no notice. As the Director had required under the temporary authorization, Mr. Allen had been making sure the West Mountain right was being fully met. Of course, you can see that the timelines and process you and I had worked on are not the timelines and process being followed by the state office. I had informed Mr. Allen of the results of our meeting which has only led to more concern that there is a disconnect or confusion between the region and the state office regarding handling of these matters.

As we have demonstrated, Mr. Allen is more than willing to work with you on this. But there needs to be some consistency in the Department's direction on these matters. Do you have some suggestion as how we might deal with these conflicting timelines and processes? Thanks.

Sincerely,

MOORE SMITH BUXTON & TURCKE, CHARTERED

Bruce M. Smith

BMS:kd
cc: Client