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DEPARTMENT OF
WATER RESOURCES

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In The Matter of Permit Nos. 63-32466,
63-32467, 63-32911, and 63-32912
In The Name Of Tree Top Ranches, L.P.

RESPONSE TO SUR-REPLY

On March 26, 2008, Petitioner Greg Obendorf filed a Sur-Reply in Support of Petition to Revoke, Annul and/or Withdraw Permits (the "Sur-Reply") in the above-referenced matter. Tree Top Ranches, L.P. ("Tree Top") hereby files this Response to Sur-Reply in order to briefly address new arguments and to correct certain misstatements contained in that Sur-Reply.

H.B. 634 is irrelevant. Obendorf attaches a copy of House Bill 634 from the 2008 legislative session, which proposes to amend 42-203A(3) to require notice of publication to be distributed by e-mail if so requested. (See Sur-Reply, Ex. A.) According to Obendorf, this proposed amendment demonstrates "the Legislature's current interest in constituents receiving mailed notice of IDWR applications upon request." (Sur-Reply, p. 4, n.1.) As an initial matter, Obendorf does not explain why a bill that has not been enacted is of any relevance. More

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