

Shelley W Keen
Hearing Officer
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720

April 18, 2012

RE: Second Request to Postpone the May 8-9, 2012 hearing for protested Application for Permit 65-23451 & Application for Transfer 77121.

Dear Mr. Keen;

I am writing in response to your request for comment on the matter of postponement listed above. I strongly object to postponement of this matter for the following reasons:

- 1) My wife and I have filed an application with IDWR for water rights (65-23457) on Rock Creek (aka Richards Creek) and as your office has advised us, our application cannot be addressed until the Allen Ranch matters are settled. As we cannot know how long this resolution may take, particularly if Allen's attorney keeps requesting postponement, further delay on Allen's behalf causes our matter to be put off indefinitely. Should IDWR grant this postponement, I feel this would be showing favoritism to Allen.
- 2) Combining Allen's matter with West Mountain Water's application 77209 and our application would be an unfair advantage to Allen. The time constraints alone would either deny our matters being addressed or more likely, the Allen hearing would be cut short, reducing the amount of time complainants have to present the important evidence that needs to be heard against Allen. I feel that IDWR would be showing favoritism to Allen if IDWR allows the hearings to be combined.
- 3) Mr. Allen is typically fishing off the Washington coast during this time of year. I know this because I have a friend who generally goes with him every year. Although I cannot confirm that this is his claim for being "out of the country" this year, it does present yet another question of honesty and good faith to me. A simple cross into Canadian waters would justify his claim. With so many individuals being affected by Allen's control of the creek, even if Mr. Allen is "out of the country" and unable to attend the hearing there are others listed in his LLLP that are able to continue the business at hand.
- 4) Mr. Allen has not complied with the temporary appropriation of the creek as specified by IDWR. He is trespassing on private property, diverting water from a point that has never existed historically, altering a natural streambed, disregarding all existing water rights on the creek, denying all others on the creek of the natural beauty and fire protection they have come to expect all the while violating the rules set forth by IDWR. I feel that extending leniency to

someone who so blatantly disregards the rules and laws of the State of Idaho as well as the rights of others is unacceptable. In this regard, I feel that allowing a postponement would constitute a bias in favor of Allen by IDWR.

- 5) There is no apparent or valid reason to postpone the hearing. Any postponement would show favoritism of IDWR toward Allen Ranches, LLC.

Please give careful consideration to my objections. Should you have any questions or concerns, please feel free to contact me at ford929@gmail.com or at 208-866-7838.

Sincerely,

Glenn Ford

Joyce Ford

WA
Shelley W Keen
Hearing Officer
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720

RECEIVED
APR 24 2012
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Glenn Ford

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Joyce Ford