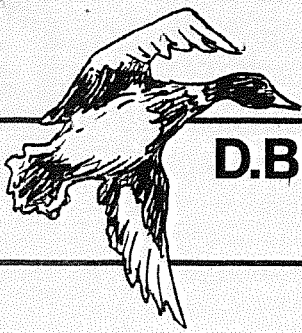




D.B.

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LAW

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APR 20 2012

DEPARTMENT OF
WATER RESOURCES

April 19, 2012

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

Re: Second Request to Postpone the May Hearing for protested Application for
Permit 65-23451 and Application for Transfer 77121

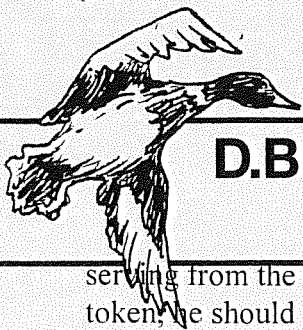
Dear Mr. Keen:

Recently I have received the notice from the Department of Water Resources concerning a second request by ALLEN RANCH, LLP to postpone the hearing scheduled for May 8 and 9, 2012, for the purpose of consideration of Permit 65-23451 and Application for Transfer 77121. The stated purpose was that Mr. Allen has plans to be out of the country at this time. His recommendation is that this hearing be postponed and combined with a West Mountain Water Association hearing scheduled for July 17 and 18, 2012.

I have since then received a copy of a letter from Sandra and Lawrence Chess requesting that the hearing in May not be postponed and listing multiple valid reasons for this objection.

Personally, I would not be against the postponement except that by the middle of July this country in is (1) the middle of fire season and the entire area is in jeopardy and (2) also well into the stock watering and/or irrigation season. IF the IDWR could get a written, signed and notarized guarantee from Mr. Allen that NO WATER would be diverted from the contested point of diversion until after the hearing set for July 17 and 18, 2012, (that Mr. Allen himself proposes to combine with the already scheduled Ford and West Mountain Water Association hearing), then I support the postponement. IF Mr. Allen could not agree to this and honor this injunction concerning water usage, then I would support his forfeiting all claims to new permits and to any changes that would reduce the use of water by Mr. Ford and the West Mountain Water Association.

In other words, Mr. Allen can either go out of the country and leave water for sharing with the other entities or he can postpone his foreign trip and meet with the IDWR on May 8 and 9, 2012, as originally scheduled. I would think that it would be his choice to be a reasonable gentleman and neighbor about this situation or prove that he chooses to be very difficult and self-



D.B. Clark
LAW

serving from the outset. We should not determine Mr. Allen's travel plans but, by the same token, we should not be able to determine the new use of limited water resources in this controversy until after a full, open debate and hearing are held by the IDWR.

Thank you considering this proposal. Please via e-mail to agclark@clearwire.net or agclark@dbclarklaw.com and/or with a telephone response to 345 - 6960 (home) or 475 - 2050 (office).

Sincerely yours,

Anne Gaffney Clark
Anne Gaffney Clark representing Gaffney Properties
Part of the West Mountain Water Association

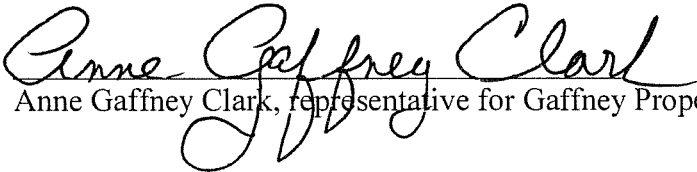
cc: see attached list of names and certification of mailing

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I served a true and correct copy of the following described document on the persons listed on the attached Consolidated Mailing Names & Addresses, by mailing in the United States mail, first class, with the correct postage affixed thereto on this 19th day of April, 2012.

Document Served: **Response to Second Request to Postpone the May hearing for protested Application for Permit 65 - 23451 & Application for Transfer 77121.**

See attached exhibit A, which is attached to and made a part hereof.


Anne Gaffney Clark, representative for Gaffney Properties

April 19, 2012

UPDATE 02/27/12

CONSOLIDATED MAILING NAMES & ADDRESSES

Application for Transfer # 77121 –Allen Ranch LLP

Application for Permit #65-23451—Allen Ranch LLP

Application for Transfer # 77209—West Mtn. Water Assoc.

Application for Permit #65-23457--Ford

yes
MAUREEN K WEBER
4603 S 5 MILE RD
BOISE, ID 83709
(208) 867-1376

yes
GLENN FORD
569 BRENDA LN
CASCADE, ID 83611
(208) 866-7838

yes
DWIGHT JIVIDEN
413 CABARTON RD
CASCADE, ID 83611
(208) 315-3034

yes
WADE ZURCHER
2625 N CROFT LN
EAGLE, ID 83616
(208) 939-2378

yes
LAWRENCE J CHESS
1200 LIZASO AVE
BOISE, ID 83709
(208) 850-8933

SANDRA M CHESS
1200 LIZASO AVE
BOISE, ID 83709
(208) 863-8769

yes
CINDI BETHEL CARMONA
10421 W CAMPVILLE ST
BOISE, ID 83709
(208) 672-0501

yes
LAWRENCE RIDENOUR
3136 TATTENHAM AVE
BOISE, ID 83713
(208) 859-1758

yes
JAMES T (JIM) BUNCE
PO BOX 890
CASCADE, ID 83611-0890
(208) 382-4288
(208) 315-1628

yes
TERRY MC CLINTICK
PO BOX 18
OROVADA, NV 89425
(775) 272-3277

yes
MELVIN PURSEL
C/O SANDRA CHESS OR JIM BUNCE
1077 WASHINGTON ST
RENO, NV 89503
(775) 335-9087

yes
RANDY MC CLINTICK
PO BOX 7
OROVADA, NV 89425
(775) 304-4168

yes
NADEAN PERKINS
700 STEEPLEVIEW
EAGLE, ID 83616
(208) 939-1958

yes
CRIS A MC CLINTICK
PO BOX 7
OROVADA, NV 89425
(775) 761-5747

yes
GERALD DYE
3 LIGE LN
CASCADE, ID 83611
(208) 382-3193

No
GAFFNEY PROPERTIES, A
PARTNERSHIP
C/O D. BLAIR CLARK, ATTORNEY
1513 TYRELL LN, STE 130
BOISE, ID 83706
(208) 475-2050

Page 2.

Consolidated Names/Addresses

yes ALLEN RANCH LLLP
C/O J.R. ALLEN
2624 S INGLENOOK PL
MERIDIAN, ID 83642
(208) 388-4535
(208) 866-4370 cell

yes MOORE SMITH BUXTON & TURCKE CHTD
ATTN: BRUCE SMITH
950 W BANNOCK ST, STE 520
BOISE, ID 83702
(208) 331-1800

yes WEST MOUNTAIN WATER ASSOC. INC
C/O JIM BUNCE ✓
PO BOX 388
CASCADE ID 83611
(208) 382-4288
(208) 315-1628

yes SHELLY KEEN
ID DEPARTMENT OF WATER RESOURCES
322 E FRONT ST 6th FLOOR
BOISE ID 83720

yes TRESSA YOUNG
312 N ORCHARD HTS WAY
NAMPÁ ID 83651
(208) 461-4207

yes IRVIN R SHAW
2579 N DESTINY AVE
KUNA ID 83634
(208) 890-3138

no ~~HAVASU RY RESORT
ATTN: JIM BUNCE
1905 VICTORIA FARMS RD #145
LAKE HAVASU AZ 86404~~