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April 6, 2012

Shelley Keen
Idaho Department of Water Resources
322 E. Front Street, Suite 648
Boise, ID 83702

RE: Application for Permit No. 65-23451
Application for Transfer No. 65-77121

Dear Shelley:

I am writing to against request rescheduling of the hearing in the above two applications.

The previous request was denied because you concluded that the West Mountain transfer application and Ford application would have to be delayed and also because of the number of protestants in the Allen application. I believe you were assuming the Allen application hearing would move to July and the West Mountain/Ford hearing would have to be delayed.

Mr. Allen is requesting that the hearing on his application be moved from May 8-9, 2012, to July 17-18, 2012, the same day as the West Mountain/Ford hearing.

First, as we previously indicated, Mr. Allen is out of the country in May. I have never seen nor heard of the IDWR scheduling a hearing for an applicant when he is out of town, much less out of the country. Furthermore, Mr. Allen's hearing in May was scheduled not for his benefit, but for the benefit of some of the protestants who go south for the winter. If the IDWR is scheduling Mr. Allen's hearing for the benefit of the protestants, it seems only fair that the IDWR give consideration to the fact Mr. Allen, the applicant, is out of the country.

Second, the July 17-18 period for a hearing should provide more than adequate time to take testimony for the Ford and Allen applications for a permit and the two transfer applications. In fact, the transfer applications were suggested by the Western Region to try to correct misidentified points of division for Allen and for West Mountain. It seems only logical that a transfer hearing to determine the correct point of division description for two entities who divert

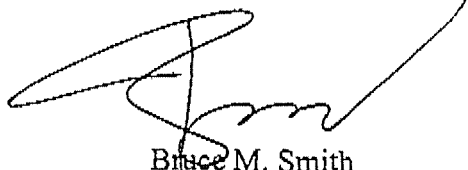
IDWR
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from the same source be considered together so as to clarify the description of the points of diversion. Most of the issues would appear to at least be related to one another. Finally, the transfers were recommended by the Western Region to help clarify the IDWR records as well as those of the water users.

Because Mr. Allen is out of the country and the issues and parties in all proceedings except Mr. Ford's application appear to be the same, it is only reasonable that Mr. Allen's hearing be moved to July 17-18, 2012.

Sincerely,

MOORE SMITH BUXTON & TURCKE, CHARTERED

A handwritten signature in black ink, appearing to read 'B. Smith', is written over the printed name 'Bruce M. Smith'.

Bruce M. Smith

BMS:kd
cc: Client

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FACSIMILE COVER SHEET

DATE: April 6, 2012 RECIPIENT'S FAX: 287-6700

TO: Shelley Keen CLIENT: 1752-00

RE: Hearing date Applications for Transfer No. 77121 & 65-23451
- Allen Ranch LLP

FROM: Bruce M. Smith/Kat

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 3

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ADDITIONAL COMMENTS:

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