

CONVERSATION MEMORANDUM

DATE 9/21/98
FILE T. 5284

NAME OF PARTY Tim Fense
EMPLOYEE FZ

63-12459 ✓

RE: HEARING Etc.

REC'd 9/20 fax from Tim. He called today & asked for fax of Kenley's suppl. letter. I faxed Tim a CC since we'd mail it anyway in normal processing.

Tim reiterated request for HEARING ASAP - would like to bypass conf. since is convinced it would not be productive. Said that if Kenley is unavailable in October, protestant should have someone else to handle it for him in October.

September 20, 1998


Steve Lester
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RE: TRANSFER #5284 AND APPLICATION #63-12459

Dear Mr. Lester,

I have received a copy of your letter dated September 17, 1998, to Kenley Hinrichs in which you acknowledge receipt of his supplemental letter regarding their protests. On July 16, 1998, when he and Lisa O'Toole filed their protests, and again on July 31, 1998, in a letter from you, they were given very clear instructions to provide applicants with copies of their *clearly stated objections* as required by Section 42-203A and 42-222, Idaho Code.

As of this date, I have not received a copy of the objection(s) from Kenley Hinrichs or Lisa O'Toole, nor has the Ballentyne Ditch Company. It has been sixty-seven (67) days since the initial protests were filed and accepted by IDWR. Once again, I am asking that Mr. Hinrichs and Lisa O'Toole's protests be dismissed on the basis they did not follow Idaho Code, even after being instructed by IDWR to do so on at least two occasions.

By not dismissing these protests or scheduling a *hearing within sixty (60) days from the date such protest is received*, my rights in this matter have been ignored. I insist that a *hearing* be scheduled for early October, as indicated to me in your letter dated September 1, 1998, and if Mr. Hinrichs cannot be available, then Lisa O'Toole, also a protestant, or a third party be present to represent their protests.

Sincerely,



Tim Fease

cc: Richard Burleigh



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Phone: 208-939-2402
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Fax Cover Page

To: STEVE LESTER

Fax Number: 334-2348

Company: IDWR

Date: 9-20-98

From: TIM FEASE

Fax Number: 939-2484

Company:

Pages including cover page:

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Subject:

Message: