



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 23, 2008

RE: Dry Lot LLC Application for permit 37-22252 and Transfer No. 74449
Old Cutters Inc Transfer No. 74661

Parties to these matters:

As you know a joint pre-hearing conference was held on July 17, 2008 regarding the protests to the applications identified above. At the conference the general issues of the protests were discussed as well as the general issues relating to objections before the SRBA Court for the rights involved in these transfer applications and other related Basin Wide Issues involving aesthetic/wildlife/recreation uses being considered by the SRBA Court.

As you know, at the conference, I described the conflict I perceived within the Department regarding processing these applications to completion in light of the unresolved issues before the SRBA Court. I promised to seek resolution of my perceived conflict. After the conference I have sought direction from Department Administration and legal counsel. The Department has decided, in this situation, it inappropriate to schedule administrative hearings for the applications for transfer while many of the same issues of fact and law are presently pending in sub cases before the SRBA Court. Even though we discussed potential hearing dates, the hearings in these matters will not be scheduled until after the associated objections and related basin wide issues are resolved in the SRBA.

By this letter I am identifying Gary Spackman as the hearing officer in these matters. All future pre-hearing motions should be directed to Mr. Spackman at the Idaho Department of Water Resources, PO Box 83720, Boise, ID, 83720-0098.

Respectfully,

A handwritten signature in black ink, appearing to read 'Allen Merritt', is written over the word 'Respectfully'.

Allen Merritt, PE
Southern Region Manager

MAILING LIST
37-22252, T# 74449, T# 74661

Applicant for 37-22252 & T# 74449:

DRY LOT LLC
116 VALLEY CLUB DR
HAILEY ID 83333

Attorney:

TRAVIS L. THOMPSON
BARKER ROSHOLT & SIMPSON LLP
PO BOX 485
TWIN FALLS ID 83303-485

Tele # 733-0700, Fax # 735-2444

Consultant:

C E BROCKWAY P E
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

TELE# 736-8543
FAX# 736-8506

Applicant for T# 74661

OLD CUTTERS INC
PO BOX 4944
KETCHUM ID 83340

Attorney:

JAMES P. SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

Tele # 726-4421, Fax # 726-0752

Protestants:

BIG WOOD CANAL CO
C/O CRAIG HOBDEY
PO BOX 176
GOODING ID 83330

Tele# 934-4429

INDIAN CREEK RANCH OWNERS ASSN INC
C/O DANA L. HOFSTETTER
HOFSTETTER LAW OFFICE
608 WEST FRANKLIN ST
BOISE ID 83702

Tele# 424-7800