State of Iuaho
DEPARTMENT OF WATER RESOURCES
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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,

Allen Merritt, PE
Southern Region Manager

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