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January 8, 2007

RECEIVED
JAN 09 2007
Department of Water Resources
Eastern Region

Roger Warner
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Re:

Dear Roger:

At the deposition of James Whittaker held on January 5, 2007, we advised that we would be filing a request or a motion for continuance of the hearing. However, we have now had an opportunity to review the concerns that arose regarding that question and have concluded that we might just as well go ahead with the hearing on February 6th & 7th as scheduled. We have sent a copy of this letter to everyone so that no one will have any questions about our intent to go ahead with the hearing at that time. Thank you for your kind attention to this matter.

Yours very truly,



Kent W. Foster

c: David Barber
BLM
Ellsworth Angus Ranch
Lemhi Irrigation District
Idaho Department of Fish & Game
James Whittaker