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September 1, 2005

-- via fax 736-0041 / 1 page --

Timothy J. Stover
ROBERTSON, HEPWORTH, SLETTE, WORST & STOVER
161 5th Ave. S., Ste. 100
P.O. Box 1906
Twin Falls ID 83303-1906

RECEIVED
SEP 06 2005
Department of Water Resources
Southern Region

Re: **Matthews**, Hurd, et al , v. Millenkamp / Transfer No. 71604

Dear Tim:

This morning I received your fax indicating that I have not provided you with available times for our experts to hold a conference pursuant to the Department's order. The record is not as stated in your letter. In fact, you've known for some time that my expert, Mr. Schowengerdt was traveling and would be returning to Idaho and would be available for a conference on the 31st. We spoke that morning and you were unable to get Dr. Brockway for the conference call. At that time you were again informed when Mr. Schowengerdt would be back in Idaho and that we were to hold a conference call yesterday. I also provided you with a list of the information we needed which you told me today you never received, though my e-mail shows it was received in your server.

We did in fact agree to hold the day open so that when we could get both experts on the phone we could hold the conference. That afternoon was not held open by you and when I called on two occasions I was informed that you were with clients and unable to speak with me. You are also accurate, though, in stating that Jayna called my office at about 4:30, at which time I was not available.

I would rather not fax letters to you, the hearing officer and others about what has or has not occurred. I suggest it's far more appropriate to conduct a telephone conference. But you have not informed me when Brockway would be available.

ROBERTSON, HEPWORTH, SLETTE, WORST & STOVER

9-1-05

Page 2

I understand from your letter that you are going to attempt to set something up for tomorrow. I have left messages with Mr. Schowengerdt indicating that he needs to contact me so that we can hold the conference tomorrow. I've asked him for specific times when he would be available. I have not heard back from him.

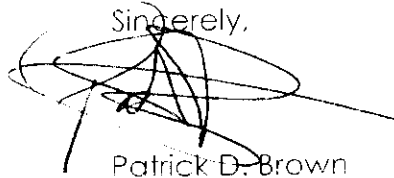
On another note, I did provide you with a list of the information we seek so that you and Dr. Brockway can go over the list and let me know if there are any concerns, even absent a phone conference. I asked that you please let me know if you have a problem with any of the items on the list. I also asked you to let me know what times Brockway and you will be available.

Finally, as I have informed you, both Mr. Schowengerdt and I are available for a hearing any time during the week beginning November 14. Please let me know if those dates will work for you and Dr. Brockway.

In short, I will continue to try to speak with Mr. Schowengerdt and let you know as soon as possible what his availability is for tomorrow and the remainder of the week. I would appreciate it if you would do the same concerning yours and Dr. Brockway's availability.

If you have any questions or believe this is not workable, please let me know immediately. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "Patrick D. Brown", with a large, stylized flourish extending to the left.

Patrick D. Brown

/cb

cc: Gary Spackman
✓ Allen Merritt
Richard Schowengerdt
Dr. Charles G. Brockway
Lee Halper
William Gulley
Steven Hurd
Steve Matthews
Doyle Schwisow

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September 2, 2005

RECEIVED

SEP 06 2005

Department of Water Resources
Southern Region

VIA FACSIMILE 733-9343
and U.S. Mail (w/encls)

Patrick D. Brown
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Twin Falls, ID 83303-0207

RE: Millenkamp/Application for Transfer No. 71604

Dear Pat:

The letter is to let you know that the 4:00 p.m. telephone conference which you had scheduled for today is not going to work as Chuck Brockway is in Boise and I do not know when he will be returning.

Should you have any questions or concerns, please feel free to contact me.

Yours truly,

TIMOTHY J. STOVER

TJS/lt

cc: Lee Halper (via fax and U.S. Mail 324-4422)
Gary Spackman (via fax and U.S. Mail 208- 287-6700)
Allen Merritt, IDWR(via fax 736-3037)
Client