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August 12, 2005

Gary Spackman, Hearing Officer
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83706

RECEIVED
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Department of Water Resources
Southern Region

RE: **Millenkamp**
Transfer No. 71604

Dear Mr. Spackman:

I have now had an opportunity to review exhibits provided to me by Lee Halper. These exhibits include, but are not necessarily limited to, literature from a Livestock and Poultry Odor Workshop, a paper entitled Livestock Odors: Implications for Human Health and Well-Being, Journal of Agromedicine.

Additionally, Mr. Halper has provided what I believe is a partial Transcript of Hearings on Transfer No. 5639 in the name of K & W Dairy, a hearing at which my client did not participate, did not have opportunity to cross-examine or object and which appears to have been related to odor issues.

As it appears that these exhibits are in no way related to "the effect of the Applicant's proposed change of use on public water resources", and violate my clients' due process rights, they should be excluded as exhibits pursuant to Idaho Code Section 42-222. I believe a ruling from you is necessary with regard to my Motion in Limine filed March 22, 2005 and Amended Motion in Limine as soon as possible.

Thank you for your attention to this matter. Should you have any questions or concerns, please feel free to contact me.

Yours truly,

TIMOTHY J. STOVER

TJS:jl

cc: IDWR (Twin Falls Office)
Patrick D. Brown
Lee Halper
Bill Millenkamp