



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 14, 2005

Mr. Travis Thompson
C/o Barker Rosholt & Simpson LLP
113 Maine Ave, Suite 303
Twin Falls, ID 83301-6167

Re: Protested Application for Permit 25-14114, Falls Water Co

Dear Mr. Thompson

This letter was drafted as a response to a letter that was received from you dated March 23, 2005 referencing the above Application for Permit. In that letter, you indicated that you received an Amended Application for Permit from Mr. Kent Foster and that you have yet to resolve your protest to the original application. Furthermore, you expressed that you felt that the Department was obligated to re-advertise or "republish," if you will, the amended Application for Permit. You stated that you intended to again protest the amended application but that perhaps new protestants may also become involved in the proceeding.

I have taken your letter under advisement and have consulted with Boise administration in regards to your request. Since the Amended Application for Permit was revised to reflect a reduction in the amount of diversion rate and all other elements were unchanged, the Department does not feel obligated to republish. However, your protest will still be considered to be active regardless of the amended application. We recognize that you may disagree and if so, you may provide some meaningful justification for republication.

I am not sure why you feel compelled to ask for an independent hearing officer should this go to hearing but will forward your request to any and all involved should it proceed to that extent.

As always, you are welcome to call if you have any questions.

Sincerely,

W. Roger Warner
Water Right Supervisor – Eastern Region

Cc: Kent Foster.