

ROGER D. LING
BRENT T. ROBINSON

JASON D. WALKER
TIMOTHY J. SCHNEIDER
ASSOCIATES

LING & ROBINSON
ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

July 16, 2002

RECEIVED
JUL 17 2002
Department of Water Resources
Southern Region

Allen D. Merritt, P.E.
Southern Region Manager
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Karl J. Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: Communications from Dave Sundberg to Allen Merritt
- William D. Jones and Son Water Right

Dear Allen and Karl:

I recently received a copy of an undated letter purportedly written by Dave Sundberg, addressed to Allen Merritt of IDWR. As you know, Dave Sundberg is an employee of IDWR, acting as a watermaster in the Raft River area. The written letter above referred to contained inaccurate statements that are libelous to me and coming from an employee of the Idaho Department of Water Resources, become libelous statements by the Department. I will not tolerate such unethical and improper conduct by Dave Sundberg, and unless an apology is received immediately, I will proceed with legal action again Mr. Sundberg and the Department.

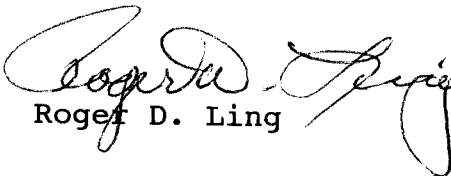
So that you fully understand my position, the libelous statements in the letter include the following: First, Mr. Sundberg states that "As could be expected" that I misrepresented "both the law and its application to Jones'es (sic) diversion." Clearly, this comment infers that I intentionally have misrepresented to the Department the wording of the statute and its application in this case. This statement is untrue, and Mr. Sundberg knows or should know that it was a false statement made to impugn my integrity and ability. It is doubtful that any statement by Mr. Sundberg, as an individual, would be given any consideration by any reasonable person, but with the title of "watermaster," he is clothed with the appearance of some knowledge.

Allen D. Merritt, P.E.
Karl J. Dreher, Director
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July 16, 2002
Page 2

Sundberg again in his summary alleges I that have misrepresented the facts or law to the Department, and states as a fact the Joneses have hired me as their attorney "to find laws and misrepresent them so that they can intentionally violate them." This statement is an accusation that I am a conspirator to violate the law, a libelous statement, per se.

The balance of the comments contained in the letter written by Mr. Sundberg are not worthy of discussion at this time. Needless to say, it is clear that Mr. Sundberg does not understand either the facts or the law involved in the administration of the water rights held by William D. Jones and Son. At the same time, it is absolutely inappropriate for an employee of the Department of Water Resources to assert opinions that have no basis in fact or law, in an effort to influence future decisions of the Department. There is no question in my mind that either of you have given the comments of Mr. Sundberg the slightest consideration as an accurate statement of facts or the law involved. Unfortunately, other persons dealing with the Department that read such a letter do not always understand that an employee of the Department, acting as a watermaster, does not necessarily have the mental capacity or legal expertise to accurately analyze and interpret the law or to accurately report the facts. For this reason, watermasters should not opine on issues that occur outside of their water district in an effort to influence other individuals or the Department. We should be able to expect that the watermasters employed in the State of Idaho are neutral in their review of water diversions, water rights and administration arising outside of their jurisdiction and for which they have limited knowledge. I would hope that you can impress upon Mr. Sundberg that the Department cannot tolerate prejudicial statements in matters that are outside of his expertise as a watermaster and his area of employment. The lack of veracity on the part of Mr. Sundberg will be established in an appropriate court of law and need not be discussed at this time.

Very truly yours,


Roger D. Ling

RDL:jb

pc: Dave Sundberg
William D. Jones