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RECEIVED

FEB 10 2005

Department of Water Resources
Southern Region

February 9, 2005

Allen Merritt
Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301

RE: Application for Transfer no. 71132 - Timothy Deeg

Dear Mr. Merritt:

By now you should have the availability dates for Mr. Deeg, Dr. Brockway and myself. As we have contemplated the proceedings in this matter, we realize that we have been over the same factual and technical evidence relevant to this transfer application with respect to the previous applications for transfer of each right. We wonder whether there is really any refinement of issues or other advantage to be gained by holding a separate pre-hearing conference and then a later hearing.

We would ask you to consider scheduling the matter so that Dr. Brockway and I do not have to make two trips to American Falls or whatever the venue will be. Thank you for your kind consideration with this matter.

Yours very truly,



Kent W. Foster

c: Tim Deeg
Dr. Charles E. Brockway
Warm Creek Irrigation Company, c/o Duane H. Isaak, President
William Isaak