



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 19, 2004

Robert B. Bybee
2014 E 1800 N
Terreton, ID 83450

**RE: IN THE MATTER OF APPLICATION FOR TRANSFER NO. 70627 IN THE
NAME OF DONNA S. BYBEE AND ROBERT B. BYBEE**

Dear Mr. Bybee:

Enclosed for your information, review and response is a copy of a petition for reconsideration ("petition") received on November 17, 2004, from Paul Gunderson in connection with the above referenced application. I am forwarding a copy to you, since I cannot determine that Mr. Gunderson has served you a copy of the petition as he is required to do by IDAPA Rule 37.01.013.02 (Rule of Procedure 302). You are not required to respond to the petition, but you may do so if you wish within (14) days from the date that Mr. Gunderson served you with a copy of the petition, if he served you, or the date of this letter, whichever is earlier.

Section 67-5243(3), Idaho Code, provides that the hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

Please recognize that if you file a response to the petition, you also are required to serve all the other parties with your response.

Sincerely,

L. GLEN SAXTON, P.E.
Hearing Officer

Encl: 1

c: Paul Gunderson
IM Family Limited Partnership
E.W. Pike
Ron Carlson - IDWR

RECEIVED

NOV 17 2004

Department of Water Resources
Eastern Region

Paul Gunderson
1555 East 1500 North
Hamer, Idaho 83425
208-663-4412

November 16, 2004

State of Idaho
Dept of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Dear Sir:

I disagree with the proposed transfer of my water in your letter of November 3, 2004.

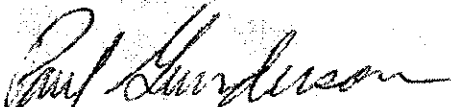
I petition for reconsideration and a hearing about the matter.

D. F. Edwards, from whom I purchased the property, had underlying water right, 31-11688 and 31-11689, prior to Bybee renting the ground. I watered from an old well from 1967 until 1974. Another well was drilled to water the 160 acres. Mr. Edwards then made an application for a permit on the new well. When Bybee rented part of the ground he wanted to water the part he rented from his well. He watered it with a center pivot and include it with some other ground under the pivot. Bybee had to get a new water permit to add a new point diversion for 33 acres of my 160 acres.

When the water department approved the Edwards/Gunderson permit 31-07338 as remark #9 they summarily imposed the condition that if Bybee changed his point of diversion and transferred water it would reduced the permit by 33 acres.

The transfer Bybee has proposed transfers 33 acres water from his well, also from the Edwards/Gunderson well drilled in 1974 and also from the original old well which was not involved with the rental agreement.

Sincerely yours,


Paul Gunderson