

MEMORANDUM

To: File 31-7338
From: L. Glen Saxton 
RE: ACTION TO LICENSE 31-7338
Date: August 31, 2004

On August 30, 2004, the department issued an Interlocutory Order Dismissing the protest of Paul Gunderson against Application for Transfer No. 70627 ("Transfer 70627") filed in the name of Robert or Donna Bybee in connection with water right no. 31-11443. The next step on Transfer 70627 is to issue a Preliminary Order acting on the transfer and to serve both Robert Bybee and Paul Gunderson with the order. At that point, the parties can pursue available administrative remedies such as filing a petition for reconsideration, exceptions or requesting a hearing if they choose.

Until final Department action is taken on Transfer 70627, the Department should not issue a license for permit 31-7338 in the name of Gunderson in order to be able to properly consider all water rights appurtenant to the NWSW Section 25, T7N, R35E, B.M. and the conditions of approval on water right nos. 31-11604, 31-11688 and 31-11689.

c: 31-11443
31-11604
31-11688
31-11689