

JUN 11 2004

DEPARTMENT OF
WATER RESOURCESLAW OFFICES OF
PIKE & SMITH P.A.

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June 9, 2004

L. Glen Saxton, P.E.
Administrator
Water Management Division
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

**RE: Application for Transfer No. 70627 in the Name of Robert or Donna Bybee:
Protestant Paul Gunderson**

Dear Mr. Saxton:

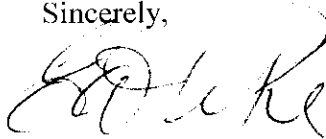
Mr. Gunderson requests this additional information be considered in determining his water right to the NW ¼ SW ¼ of Section 25 that is in dispute with Mr. Bybee that Bybee claims as part of the lease agreement.

Assuming *arguendo* that Mr. Bybee had never leased and utilized any water application or claim of right to the subject property, Mr. Gunderson has heretofore stated his position and claim that under the adjudication of 1939 for or including the 33 acres in question, this water right was passed down to Gunderson and had nothing to do with Bybee, and still exists, and could not have reverted to Bybee.

Any claim of Mr. Bybee would have to be subject to all prior water rights.

Thank you for considering this additional information.

Sincerely,



E.W. Pike
Attorney for Paul Gunderson

cc: Ron Carlson, D.W.R.
Paul Gunderson

EWP/II
gunderson/saxton.3ltr

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