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MAY 28 2004

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DEPARTMENT OF
WATER RESOURCES

26 May 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:

I met today with Paul Gunderson concerning your letter to Ms. Shaul of this office dated May 14. Ms. Shaul has referred this file to me for response.

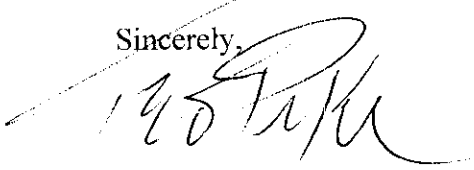
I was absent from my office all of last week on matters at the University of Idaho Law School, so today was the first opportunity I had to meet with Mr. Gunderson.

Perhaps you misconstrued the Motion to Dismiss the Court filing in Madison County. It was not required any defense be set forth other than a challenge to the jurisdiction.

The usual procedure under the Idaho Civil Rules of Procedure is to allow 3 days for mailing in addition to any time limit. The envelope was postmarked May 17. Your letter allowed Mr. Gunderson fourteen days to protest your intended action. Therefore, I respectfully request that you allow us until June 4 to respond.

I appreciate your courtesy in this matter and your patience.

Sincerely,


E.W. Pike

cc: Paul Gunderson
EWP/js
gunderson/saxton.ltr

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