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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

cc: Mrs. JoAn Wood  
3778 East 500 North  
Rigby, Idaho 83442

Mr. Don Burtenshaw  
Terreton, Idaho, 83450