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VIA FACSIMILE TO (208) 327-5400

Norm Young
Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

In re: Water Right No. 36-02457B

Dear Mr. Young:

My clients, the Gunning family, have requested that I contact you concerning the status of matters with Gooding County with regard to county permits for their dairy facility east of Wendell. Representatives of the Gunning family and I attended a meeting with the Gooding County Commissioners on Monday, February 14. Following that meeting, I had a further conversation with Phil Brown, Gooding County Prosecuting Attorney. The parties are exploring possible avenues of resolving differences with regard to Gooding County permits. I expect the final position of Gooding County to be relayed to me this week. When I have heard from Gooding County officially, I will promptly be in touch with you.

If the matter is not resolved soon, by agreement, it is my intention to initiate an action for a declaratory judgment and other relief which will ultimately lead to a full determination of the Gunning rights. Because your pending Order to Show Cause derives from those rights, or their absence, I request that the Department defer any further action on the water right until that determination has been made either by agreement or Court order. Please feel free to contact me if I can help you any further with this.

Very truly yours,

FREDERICKSEN, WILLIAMS & MESERVY

Dictated by Mr. Williams, sent in his absence to avoid delay.

ROBERT E. WILLIAMS

REW/bsb

cc: Francis Gunning

Susie Gunning

Tom High

Philip A. Brown

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