

ROSHOLT, ROBERTSON & TUCKER
Chartered

ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
JOHN K. SIMPSON
NORMAN M. SEMANKO
TIMOTHY J. STOVER

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

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Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED

SEP 22 1999

Department of Water Resources
Eastern Region

Harold W. Jones
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Re: Application for Transfer No. 5441 – Hawley

Dear Harold:

This letter seeks clarification regarding the enclosed August 23 and August 26, 1999 correspondence between yourself and Blair Grover.

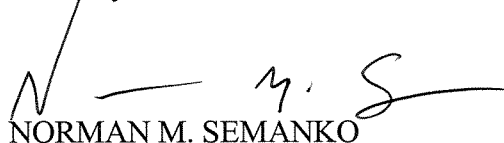
At the August 18 meeting in Kent Foster's office, the parties generally agreed that it would be wise for further processing of the Hawley transfer application to be delayed until oral argument is heard by the Idaho Supreme Court in the Sagewillow case. As a result, we readily concur in the content of Blair Grover's August 23 letter.

The first paragraph of your August 26 letter confirms our understanding that the Hawley transfer is to remain pending until the Sagewillow case is decided. However, the conclusion of your letter, which states that an "interim approval" will be provided by IDWR requires clarification. If IDWR chooses not to commence an enforcement action against the unauthorized change in use while the transfer application is pending, that is the agency's choice. However, there certainly can be no "approval" of the transfer application, interim or otherwise, while our protest is pending.

Please provide a clarification that the transfer application has not in fact been approved, but rather is still pending awaiting further action by the parties after the Sagewillow case is decided.

Thank you for your consideration.

Sincerely,



NORMAN M. SEMANKO

NMS/jl
Encls.
cc: Blair Grover
Ed Dumke
Kent Foster
Chuck Brockway