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Department of Water Resources

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Via Facsimile & U.S. Mail

April 1, 2005

Mr. Karl J. Dreher, Director  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-0098

Re: Surface Water Coalition's March 28, 2005 Letter Regarding their Delivery Call

Dear Karl:

We were surprised to learn, through their March 28<sup>th</sup> letter to you, that the Surface Water Coalition considers our recent Motion for Summary Judgment an "inappropriate non-authorized filing" in this delivery call because it suggests we are in an actual formal administrative process, rather than the mere "informal proceedings" they envision.

In some other context perhaps we could muster greater appreciation for the Coalition's casual approach. However, under the circumstances, we find it difficult to take comfort in the argument that this matter lacks the dignity of a contested case and instead is something to be handled informally. Their "letter" containing only a "request" for the administration of water rights may be a mere informality viewed from their side, but we read it as actually calling for the complete shut-off of wells serving up to 850,000 acres of irrigated farmland and hundreds of municipal, commercial, and industrial uses.

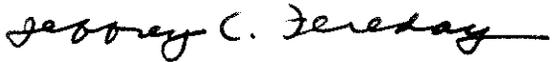
In any event, the Surface Water Coalition is clearly wrong to state that under the APA or the Conjunctive Management Rules their delivery call could generate some informal process by which our clients' substantial legal rights could be determined or impaired without their ability to respond. If you conclude that we are mistaken on this point, however, we will let *this* letter serve

Mr. Karl J. Dreher  
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as our initial statement, and you may either ignore or remove the caption page from the Motion and each of the Affidavits and consider them to be incorporated in full by reference in this letter.

Sincerely,

  
Michael C. Creamer

  
Jeffrey C. Fereday

cc: Clients  
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