



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

January 2, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JOHN B KUGLER
DIANE K KUGLER
2913 GALLEON CT NE
TACOMA WA 98422

Re: Permit no. 35-8359

Dear Mr. and Mrs. Kugler:

The department acknowledges your Request for Reconsideration and Hearing regarding an order the Department issued on December 6, 2007 that continued a stay in the development period of permit no. 35-8359. In accordance with the Department's Rules of Procedure this matter will be scheduled for a prehearing conference to meet with you to review the case and attempt to resolve your Request for Reconsideration and Hearing prior to setting a hearing date. Please send your **unavailable** days for the months of February and March 2008 to my attention and I will schedule a prehearing conference and send you a notice advising you of the date, time and place. Because you reside in Tacoma please let me know where you want to hold the conference, either in Boise, the Pocatello area, or if a telephone conference should be arranged.

A copy of this letter is being sent to Northwest Farm Credit Services ("NWFCS") to provide them an opportunity to participate in the prehearing conference. As an alternative, NWFCS can assign their interest in the permit to you.

Enclosed as you requested are the following:

1. Evidence of the legal interest of NWFCS: Two Assignments of Permit that provide the ownership information as reflected in the Department's records showing NWFCS and John B. Kugler as the permit holders.
2. Copies of 2007 orders for stays or extensions within the Snake River moratorium area. Note that extensions were granted for permits in the moratorium area if exempted from the moratorium due to non-consumptive use or mitigation.

If these documents do not provide you with the information you require, please advise.

SCANNED
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Also enclosed are Orders issued on November 9, 1994 and April 4, 1995 that further explain the stay of development for water right permits in the Eastern Snake Plain Area (ESPA) Moratorium, and a copy of the Department's Rules of Procedure. If you have any questions, my direct phone number is (208) 287-4942, or my fax number is (208) 287-6700.

Sincerely,



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

cc: Northwest Farm Credit Services

Enclosures:

Extensions for - 36-8299, 35-7962 & 35-7963, 37-20834, 37-20742 & 37-7372.
Rules of Procedure
Nov. 1994 & April 1995 Orders from file
2 Assignments of Permit from file.