

Mount, Misty

From: Peppersack, Jeff
Sent: Monday, January 30, 2006 4:03 PM
To: Spackman, Gary; Mount, Misty
Subject: RE: United Water Idaho/ Notice of Error/ Basin 02

Gary and Misty,

I had originally thought that the UWID exchange expired, but after reviewing further found that there are two separate exchanges for UWID. One is expired, but given your discussion with John Marshall, will likely be extended. The other has no expiration date.

Exchanges do not alter the elements of a water right, but do allow a variance in the way the water right can be used (by itself or with other water rights). Exchanges may not always be in effect, depending on availability of water and as allowed under an approval. Given that, it is important that we know that an exchange has been authorized for the water right(s) and the conditions under which an exchange has been approved.

If UWID does not want the exchange conditions to be part of the decree, I think we could accommodate that by adding the exchange conditions as explanatory conditions in the AJ recommendations. Explanatory conditions may be appropriate in this case since the exchange is considered an administrative action that does not alter the elements of the water right. Explanatory conditions also ensure that the exchange approval conditions remain part of the record in our database.

When I originally added the exchange approval conditions to the database (for the most recent exchange), I tried to keep them together as one entry with an introductory heading labeled "Exchange of Water." Unfortunately the exchange approval conditions were too lengthy and the database limit for a single condition entry was exceeded, so I had to break them up into two separate entries in our database (the second entry was labeled part 2).

Other thoughts or concerns?

Jeff

-----Original Message-----

From: Spackman, Gary
Sent: Monday, January 30, 2006 1:04 PM
To: Peppersack, Jeff
Cc: Mount, Misty
Subject: FW: United Water Idaho/ Notice of Error/ Basin 02

Jeff,

Attached is the information that Misty sent to me. I think I promised you on Friday I would forward it to you. As we discussed, I believe several of the conditions of the exchange approval need to carry forward whenever the Snake River rights are being exchanged with Boise River water. At a minimum, the Snake River rights, when decreed, should cross reference the exchange and the limitations. Perhaps there is a way to build some of the conditions into the decree documentation through comments or remarks. Do you want to reinstate contact with Misty or other AJ staff about this?

Gary

-----Original Message-----

From: Mount, Misty
Sent: Friday, January 20, 2006 9:50 AM
To: Spackman, Gary
Subject: RE: United Water Idaho/ Notice of Error/ Basin 02

Gary,

Sorry for not being very specific, but here are the current recommendations for 2 of those water rights. On 2-2339 the they want all of the conditions removed, and on 2-2341 the first condition under Other Provisions... is to be removed, as well as on 2-2358 and 2-2420.

Misty

----- << File: Rec for 2-2339.RTF >> << File: Rec for 2-2341.RTF >> riginal Message-----

From: Spackman, Gary
Sent: Thursday, January 19, 2006 2:59 PM
To: Mount, Misty
Subject: RE: re: United Water Idaho/ Notice of Error/ Basin 02

Misty,

I don't know what conditions he is asking to have removed. There is a term limit in the original approval that I thought was being removed from the exchange. I need more details about United Water's request, however.

Gary

-----Original Message-----

From: Mount, Misty
Sent: Thursday, January 19, 2006 2:54 PM
To: Spackman, Gary
Subject: re: United Water Idaho/ Notice of Error/ Basin 02

Gary,

I am in receipt of notices of error for 2-2339, 2-2341, 2-2358 and 2-2420 from John Marshall, attorney for United Water Idaho, requesting that the conditions of the original exchange be removed from the recommendations for each water right. I noticed that the files have been in review and was wondering if you could advise as to whether or not the conditions must be removed.

Thank you,

Misty Mount
Adjudication