

Williams, Ray

From: Miller, Zach [Zach.Miller@dgsllaw.com]
Sent: Wednesday, November 29, 2006 4:22 PM
To: McHugh, Candice
Cc: Carlsen, Ernie; Williams, Ray; Scott Sprague; Dan Kline; Jon Goode
Subject: RE: SRBA, Subcase No. 27-7302 (Nu-West Mining, Inc.)

Candice: This is acceptable to Nu-West Mining, Inc. and resolves this matter as far as they are concerned. If possible, it would be helpful if a copy of this correspondence could also be included in the Department's records. Please let us know if you need anything further. Thanks to you, Ernie and Ray for your assistance resolving this matter. Best regards. Zach

Zach C. Miller, Esq.
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From: McHugh, Candice [mailto:Candice.McHugh@idwr.idaho.gov]
Sent: Wednesday, November 29, 2006 12:49 PM
To: Carlsen, Ernie; Miller, Zach; Williams, Ray
Subject: RE: SRBA, Subcase No. 27-7302 (Nu-West Mining, Inc.)

Thanks Ernie for the quick response

Zach, does this end the matter from your end? If so, please let me know. The next step is that the court will issue a special master's report and recommendation (it will not show the explanatory material, but that material is memorialized in our database for this water right and administrative purposes).

Candice

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

From: Carlsen, Ernie
Sent: Wednesday, November 29, 2006 12:05 PM
To: McHugh, Candice; 'Miller, Zach'; Williams, Ray
Subject: RE: SRBA, Subcase No. 27-7302 (Nu-West Mining, Inc.)

Candice here is the new proof report with the added explanatory condition

Ernie

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

From: McHugh, Candice
Sent: Wednesday, November 29, 2006 11:53 AM
To: 'Miller, Zach'; Williams, Ray
Cc: Carlsen, Ernie
Subject: RE: SRBA, Subcase No. 27-7302 (Nu-West Mining, Inc.)

Mr. Miller,

Your proposed language is fine with the Department and will be added to the database on this water right under the explanatory material. I will provide a copy of the full print-out of this water right, with the language, as soon as possible.

Thanks
Candice McHugh
Deputy Attorney General, IDWR
(208) 287-4810

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

From: Miller, Zach [mailto:Zach.Miller@dgsllaw.com]
Sent: Monday, November 13, 2006 11:12 AM
To: McHugh, Candice; Williams, Ray
Cc: Scott Sprague; Dan Kline
Subject: RE: SRBA, Subcase No. 27-7302 (Nu-West Mining, Inc.)

Candace and Ray: Attached is the September 22, 2006 letter from Candace to me, proposing that IDWR insert the referenced clarifying sentence in the Department's database for the water rights in the above Subcase No. 27-7302, which are diverted out of Maybe Creek in Caribou County, Idaho, and are now held by Nu-West Mining, Inc. (attached FYI also is the 11/3/06 letter from IDWR confirming the transfer of ownership of these rights to Nu-West Mining, Inc.).

On behalf of Nu-West Mining, Inc., we accept IDWR's proposal to insert the clarifying language in the Department's database for these 27-7302 rights, but we request that the referenced sentence be further clarified and revised somewhat to read as follows (additional text underscored):

"The haul roads of the Maybe Canyon Mine referenced above are located on and used in connection with Federal Phosphate Lease I-04 and related U.S. Forest Service Special Use Permits, which were attached to the original Permit Application for such rights and contained in IDWR's records."

These two minor clarifications (1) confirm the actual physical location of the subject roads and place of use, and (2) further confirm that this is not "new" information but rather were details about the "place of use" that were submitted and of record when these rights were first applied for and permitted but were omitted from IDWR's database merely for the sake of "streamlining" the Department's records. That past "streamlining", however, has apparently led to some confusion by BLM and others both about the actual permitted place of use and the adequacy of the notice and public records about that POU, so reinserting this information should help prevent those problems.

Please let me know if this proposed clarification is acceptable. If it is, I believe this notation in IDWR's database for these rights should resolve all outstanding issues for these Maybe Creek rights. Thanks for your assistance and response and let me know if you need anything further to wrap up this matter. Best regards. Zach

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From: Williams, Ray [mailto:Raymond.Williams@idwr.idaho.gov]
Sent: Monday, November 13, 2006 9:07 AM

To: Miller, Zach

Subject: Conda Partnership (27-7302)

Mr. Miller:

Pursuant to your voice mail, I am providing you with Candice McHugh's e-mail address. It is candice.mchugh@idwr.idaho.gov

It does not appear that we received the September e-mail containing suggested language that you referenced in your voice mail.

If you need anything further, please let me know.

Thank you.

Ray Williams
Paralegal