



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 3, 2016

GARY R JENSON
JOAN JENSON
55 THREE MILE LN
SALMON ID 83467

IDAHO WATER RESOURCE BOARD
PO BOX 83720
BOISE ID 83720-0098

RE: Application for Permit 74-16042 – Protest Status

Dear Applicants & Protestant:

On August 16, 2016 a pre-hearing conference was held by telephone to discuss the protest of the above referenced application by the Idaho Water Resource Board (Board). Representatives of the protestant were present in the Boise office.

After some discussion regarding the concerns of the protestant, the protestant's attorney suggested a possible remedy should be shared with the Board before proposing any possible settlement. Following the Board's mid-September meetings, I was informed a possible conditional withdrawal might be sent to the applicant for consideration.

This letter is to determine if any settlement conditions have been proposed. If so, are they acceptable to the applicant? Has some progress towards resolution of the protest been accomplished? If the applicant and the protestant cannot reach an informal resolution, a formal hearing will be scheduled.

Please respond within 14 days to inform the Department of the status of any protest resolution actions. If you have any questions about this matter you can contact me directly by phone at (208) 287-4951 or by email at pam.skaggs@idwr.idaho.gov.

Sincerely,

Pamela Skaggs
Water Rights Supervisor

Copy: Ann Vonde, Deputy Attorney General

MEMORANDUM

Date: August 16, 2016
To: Application for Permit 74-16042 Jenson
From: Pam Skaggs 
Re: Protest & Pre-Hearing Conference

I conducted a prehearing conference on August 16, 2016 at the State office and by telephone to discuss the protest on Application for Permit 74-16042 filed by Gary and Joan Jenson. The protestant, Idaho Water Resource Board (IWRB), was represented by Cynthia Clark, Water Projects Section Manager, and Ann Vonde, Idaho Attorney General's office. The applicants participated by telephone.

All parties were given opportunities to share their perspective and concerns. The exchange and questions between parties were reasonable and productive, however some information remains disputed. The primary issues relate to concerns about use of water under this proposed junior right while purchased conservation water is being used to meet minimum streamflow requirements and protecting fish habitat through overall Lemhi conservation efforts as noted in the protest.

After some positive discussion regarding timing of curtailment of use under the proposed permit, the protestant's attorney suggested that this possible remedy would need to be shared with IWRB at their next meeting scheduled on September 15th & 16th. She was not sure it would address the overall concern related to conservation efforts. We all agreed to hold processing until after the Board's meeting when Ann would provide either a negative response forwarding the matter to the Hearing Officer Coordinator, or request time to draft appropriate settlement conditions for the Jenson's consideration.

PRE-HEARING CONFERENCE ROSTER OF ATTENDANCE

IN THE MATTER OF APPLICATION TO)
APPROPRIATE WATER NO. 74-16042)
IN THE NAME OF GARY R JENSON &)
JOAN JENSON)

Beginning at 10:00 AM
August 16, 2016

Presiding Agent: Pamela Skaggs

NAME	ADDRESS	REPRESENTING
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Ann Vande	700 W Skale	IWRB
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CYNTHIA BRIDGE CLARK	322 E FRONT ST BOISE, ID	IWRB
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Amy Cassel	Salmon (Phone)	IDWR
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Pam Skaggs	Boise	IDWR
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Gary + Joan Jensen	Salmon (Phone)	Applicant
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