

Merritt, Allen

From: John Simpson [jks@idahowaters.com]
Sent: Tuesday, August 18, 2015 9:59 AM
To: Merritt, Allen
Subject: RE: Status of protest withdrawal for T80039 in the name of Bootjack Limited

Allen,

I would agree if 37-8361 is the only trustwater application/permit.

John K. Simpson
Barker Rosholt & Simpson LLP
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From: Merritt, Allen [<mailto:Allen.Merritt@idwr.idaho.gov>]
Sent: Tuesday, August 18, 2015 9:41 AM
To: Merritt, Allen; bootjackdairy@gmail.com
Cc: John Simpson
Subject: RE: Status of protest withdrawal for T80039 in the name of Bootjack Limited

I think this condition only pertains to right 37-8361.

From: Merritt, Allen
Sent: Tuesday, August 18, 2015 9:40 AM
To: 'bootjackdairy@gmail.com'
Cc: jks@idahowaters.com
Subject: FW: Status of protest withdrawal for T80039 in the name of Bootjack Limited

Mr. Kerner,
Here is the e-mail we just discussed. Please confirm with Mr. Simpson you are in agreement.
Thanks
Allen

From: John Simpson [<mailto:jks@idahowaters.com>]
Sent: Tuesday, August 18, 2015 8:51 AM
To: Merritt, Allen
Cc: Jessica Witt
Subject: RE: Status of protest withdrawal for T80039 in the name of Bootjack Limited

Alan,

I talked with Mr. Kerner and I believe we are in agreement that the following language be included on any permit issued by the IDWR. I do not have Mr. Kerner's e-mail. Could you please forward this e-mail to him to ensure that he is in agreement. If so, I will draft a stipulated withdrawal of Idaho Power's protest in this matter.

The source of the water diverted under this right is "Trust Water" which is identified in the 1984 Swan Falls Agreement and defined as surface and ground water tributary to the Snake River between Milner Dam and Swan Falls. Diversions under this right shall be subject to curtailment if such diversions would impact the established minimum stream flows of 3,900 cfs from April through October and 5,600 cfs from November through March at the Murphy gage. Further, this right shall be subject to review by the Director consistent with the terms limits imposed upon trust water rights issued by the State and arising out of the 1984 Swan Falls Agreement.

Thanks.

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From: Merritt, Allen [<mailto:Allen.Merritt@idwr.idaho.gov>]
Sent: Wednesday, August 12, 2015 2:52 PM
To: John Simpson
Subject: Status of protest withdrawal for T80039 in the name of Bootjack Limited

John,

It has almost been a month since I talked to your office and Mr. Kerner regarding this protested matter. It was my understanding that a protest resolution was being finalized based on right number 37-8361 being conditioned as trust water. Please let me know the status and if there is a timeframe to finalize the protest withdrawal.

Thanks,

Allen