

Merritt, Allen

From: Merritt, Allen
Sent: Wednesday, February 19, 2014 4:15 PM
To: 'Michael P. Lawrence'; 'Paul Arrington'
Cc: Maline, Denise; Cathy Tomlinson
Subject: RE: In the Matter of Permit to Appropriate Water No. 47-17614 [IWOV-GPDMS.FID595002]

Folks,

Thanks for your continued efforts to resolve this matter. Please consider this e-mail as the notification that the pre-hearing conference scheduled for tomorrow is formally vacated. I will considering rescheduling another conference if I hear from the applicant's attorney that attempts to resolve the matter have failed and that a hearing will be necessary.

Respectfully,
Allen Merritt, PE
Southern Region Manager

From: Michael P. Lawrence [mailto:mpl@givenspursley.com]
Sent: Wednesday, February 19, 2014 3:33 PM
To: 'Paul Arrington'; Merritt, Allen
Cc: Maline, Denise; Cathy Tomlinson
Subject: RE: In the Matter of Permit to Appropriate Water No. 47-17614 [IWOV-GPDMS.FID595002]

Allen,

I agree with Paul's request to vacate tomorrow's prehearing conference. I would appreciate it if you could please let us know your decision this afternoon as it will greatly affect my travel schedule tomorrow.

Thank you,
Mike

Michael P. Lawrence
Givens Pursley LLP
601 W. Bannock St., Boise, Idaho 83702
(208) 388-1200 tel (208) 388-1294 direct (208) 388-1300 fax
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From: Paul Arrington [mailto:pla@idahowaters.com]
Sent: Wednesday, February 19, 2014 3:28 PM
To: Merritt, Allen; Michael P. Lawrence
Cc: Maline, Denise; Cathy Tomlinson
Subject: RE: In the Matter of Permit to Appropriate Water No. 47-17614 [IWOV-GPDMS.FID595002]

Allen:

A few weeks ago, you were gracious enough to move the prehearing on the above application to tomorrow morning. Thank you!

Since that time, Michael Lawrence and I have had regular discussions on the matter and we both believe that our clients have reached a settlement. Unfortunately, we won't be able to have the stipulations signed by tomorrow.

Michael and I just discussed this on the phone and are comfortable enough with the proximity to settlement that we would like to ask that the prehearing be vacated entirely. We believe that we are close enough that the settlement could be fully executed and the withdrawal of protest filed in the next week or so.

If it is not filed, or if the settlement falls through, then we would call you to reschedule the prehearing and get the ball rolling again.

Is this acceptable to you? Please advise.

Thanks, Paul

Paul L. Arrington
Barker Rosholt & Simpson LLP
(208) 733-0700 - telephone
(208) 404-9436 - mobile

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From: Merritt, Allen [<mailto:Allen.Merritt@idwr.idaho.gov>]
Sent: Friday, January 31, 2014 2:55 PM
To: Michael P. Lawrence; Paul Arrington
Cc: Maline, Denise; Cathy Tomlinson
Subject: RE: In the Matter of Permit to Appropriate Water No. 47-17614 [IWOV-GPDMS.FID595002]

Gentlemen,

The pre-hearing conference scheduled for February 6th, 2014, is hereby vacated. It is re-scheduled for February 20th, 2014, to start at 10:00 am in the IDWR Southern Region Office located at 650 Addison Ave W, Ste 500, Twin Falls, ID, 83301. (This is the 5th floor of the old hospital building)

No further notice of the re-scheduled conference will be provided by mail.

Thank you.

Allen Merritt, PE
Southern Region Manager

From: Michael P. Lawrence [<mailto:mpl@givenspursley.com>]
Sent: Friday, January 31, 2014 2:41 PM
To: 'Paul Arrington'; Merritt, Allen
Cc: Maline, Denise; Cathy Tomlinson
Subject: RE: In the Matter of Permit to Appropriate Water No. 47-17614 [IWOV-GPDMS.FID595002]

It works for me as well.

Thank you.

Mike

Michael P. Lawrence

Givens Pursley LLP

601 W. Bannock St., Boise, Idaho 83702

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From: Paul Arrington [<mailto:pla@idahowaters.com>]

Sent: Friday, January 31, 2014 2:40 PM

To: Merritt, Allen; Michael P. Lawrence

Cc: Maline, Denise

Subject: RE: In the Matter of Permit to Appropriate Water No. 47-17614 [IWOV-GPDMS.FID595002]

That time works for me.

Paul L. Arrington

Barker Rosholt & Simpson LLP

(208) 733-0700 - telephone

(208) 404-9436 - mobile

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From: Merritt, Allen [<mailto:Allen.Merritt@idwr.idaho.gov>]

Sent: Friday, January 31, 2014 2:38 PM

To: Paul Arrington; Michael P. Lawrence

Cc: Maline, Denise

Subject: RE: In the Matter of Permit to Appropriate Water No. 47-17614 [IWOV-GPDMS.FID595002]

Gentlemen,

I am open to the suggestion of rescheduling the pre-hearing conference to 10:00 am on February 20th, 2014. If this is acceptable please confirm by responding to this e-mail and copying the other party. If this proposed time and date are acceptable to all then I will not re-notice the conference by land mail but will confirm by a future e-mail. The place of the re-scheduled conference will be the same as listed in the notice sent out on 1/13/2014. Thank you for your willingness to resolve this matter in a most efficient way. Hope to get your response soon.

Allen

From: Paul Arrington [<mailto:pla@idahowaters.com>]

Sent: Friday, January 31, 2014 1:04 PM

To: Michael P. Lawrence; Merritt, Allen

Subject: RE: In the Matter of Permit to Appropriate Water No. 47-17614 [IWOV-GPDMS.FID595002]

Allen:

As we discussed at the Department this morning, I concur with Mr. Lawrence's discussions below. I wonder if it would be best to move the Prehearing to February 20 or 21. We should know by then if the agreement will be approved by all parties. If not, then the pre-hearing will be set and we can move forward.

Though, candidly, I am hopeful (verging on confident!!) that we can get this settled.

Paul L. Arrington
Barker Rosholt & Simpson LLP
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(208) 404-9436 - mobile

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From: Michael P. Lawrence [<mailto:mpl@givenspursley.com>]
Sent: Friday, January 31, 2014 10:02 AM
To: 'Allen D. Merritt P.E. (Allen.Merritt@idwr.idaho.gov)'
Cc: Paul Arrington
Subject: In the Matter of Permit to Appropriate Water No. 47-17614 [IWOV-GPDMS.FID595002]

Allen,

My client, Sharon Busmann, is the protestant in the above-captioned matter. We are scheduled to have a Pre-Hearing Conference next Thursday, February 6, 2014, at 10 am.

I have had a number of telephone conversations and email exchanges with the applicant's attorney, Paul Arrington (who is copied on this email), in attempts to resolve Ms. Busmann's protest. I spoke to Paul again this morning and we are both optimistic that the parties will reach a resolution soon—although not likely prior to the Pre-Hearing Conference.

Paul and I agreed that it would make sense to concentrate our efforts on trying to finalize a settlement instead of preparing for and attending a Pre-Hearing Conference. Accordingly, we respectfully request that the February 6, 2014, Pre-Hearing Conference be vacated.

Paul and I believe we should be able to notify you by February 14, 2014, as to whether the protest has been resolved or whether the Pre-Hearing Conference should be rescheduled.

Please let us know how the Department would like to proceed.

Thank you.

Mike

Michael P. Lawrence
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www.givenspursley.com

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