

Palmer, Cherie

From: Palmer, Cherie
Sent: Wednesday, November 27, 2013 10:38 AM
To: Case, Morgan
Cc: Marston, Sascha; Skaggs, Pam
Subject: Ellsworth Angus Ranch (Eighteen Mile Creek)

Hello Again ☺

Sascha brought it to my attention that the Board transferred a payment in connection with a rental of 74-2320 (Ellsworth). The rental agreement for this right expired in 2012 so there was not a rental agreement in place in 2013....that I can find. If there is indeed no rental agreement for the 2013 season, maybe we can do one after the fact.

I was reading through the file and it looks like there might be a stipulated agreement for the rental agreement that was reached in 2013 that may clear things up. A copy of the agreement is not in the file, do you have a copy of it?

Please let me know how we should proceed. Thanks Morgan.

Cherie

Palmer, Cherie

From: Case, Morgan
Sent: Wednesday, November 27, 2013 10:46 AM
To: Palmer, Cherie
Subject: FW: Withdrawal of Protest (Water Supply Bank Application for Water Right Nos. 74-2320 and 74-15190)
Attachments: DOC052213.pdf

Cherie,

The protest was actually withdrawn (see attached) before the start of the 2013 rental (June 1), so it would be great if you could do an after-the-fact agreement. Since the protest was withdrawn, could the agreement be for the remainder of the rental term (through 2015)?

Thanks,

Morgan

From: Rob Harris [<mailto:rharris@holdenlegal.com>]
Sent: Wednesday, May 22, 2013 12:50 PM
To: Spackman, Gary; Hensley, Harriet (harriet.hensley@ag.idaho.gov); Case, Morgan; Gibson, Deborah
Cc: fjwhitt@yahoo.com
Subject: Withdrawal of Protest (Water Supply Bank Application for Water Right Nos. 74-2320 and 74-15190)

Director Spackman:

Attached is a Withdrawal of Protest and cover letter associated with James Whittaker's protest of water supply bank application for Water Right Nos. 74-2320 and 74-15190. Please let me know if you have trouble opening the document. The original is being sent to you.

Thanks,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

Confidentiality Notice: The information contained in this electronic e-mail and any accompanying attachments, all of which may be confidential and/or privileged, is intended only for the intended recipient. If you are not the intended recipient, any unauthorized use, disclosure or copying of this e-mail and its contents is strictly prohibited and may be unlawful. If you are not the intended recipient, please delete the original message and all copies from your system. Thank you.

Internal Revenue Service Circular 230 Disclosure: Please note that any discussion of or advice regarding United States tax matters contained herein (including any attachments) is not intended or written to be relied upon or used and can not be relied upon or used for the purpose of promoting, marketing, or recommending any tax-related matters or advice to another party.



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

May 22, 2013

Idaho Department of Water Resources
Attn: Gary Spackman, Hearing Officer
PO Box 83720
Boise, ID 83720-0098

RE: *Withdrawal of Protest of James Whittaker to Application to Rent Water from the Water Supply Bank Nos. 74-2320 and 74-15190 in the Name of the Idaho Water Resource Board.*

Dear Hearing Officer Spackman:

Enclosed with this letter is an executed *Withdrawal of Protest* in the above referenced matter where you have been designated as the hearing officer. The matter has continued over the past few years pursuant to stipulation between the Applicant and Mr. Whittaker, the Protestant, but at this point, we have elected to withdraw our protest in the above-entitled matter. We appreciate your attention to this matter.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

cc: Harriet Hensley
Morgan Case

Enclosures

G:\WPDATA\RLH\14100 Whittaker, James\01, Water Bank Lease\gary spackman ltr 2013.05.21.docx

Established in 1896

Robert L. Harris, Esq. (ISB #7018)
rharris@holdenlegal.com
Luke H. Marchant, Esq. (ISB #7944)
lmarchant@holdenlegal.com
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518

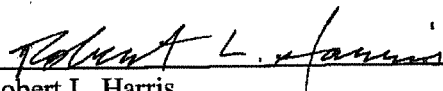
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION TO
RENT WATER FROM THE WATER
SUPPLY BANK NOS. 74-2320 AND
74-15190 IN THE NAME OF THE IDAHO
WATER RESOURCE BOARD

WITHDRAWAL OF PROTEST

James Whittaker ("Whittaker"), a protestant in the above-entitled matter, by and through his counsel of record, Robert L. Harris of Holden, Kidwell, Hahn & Crapo, P.L.L.C, hereby withdraws his protest filed in the above-entitled matter. Whittaker presumes that IDWR will therefore finalize approval of the water supply bank application at issue in this matter accordingly.

DATED this 22nd day of May, 2013.


Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the parties listed below by hand delivery, email, mail, or by facsimile, with the correct postage thereon, on this 22nd day of May, 2013.

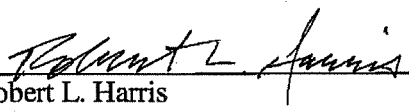
DOCUMENT SERVED: WITHDRAWAL OF PROTEST

ORIGINAL TO: Gary Spackman, Hearing Officer
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

ATTORNEYS AND/OR INDIVIDUALS SERVED:

Harriet A. Hensley	() <i>First Class Mail</i>
Deputy Attorney General	() <i>Hand Delivery</i>
Natural Resources Division	(☒) <i>Facsimile</i>
700 W. State St., 2 nd Floor	() <i>Overnight Mail</i>
Boise, ID 83720-0010	() <i>Email</i>
Fax No. 208-854-8072	

Morgan Case	() <i>First Class Mail</i>
IWRB	() <i>Hand Delivery</i>
PO Box 83720	(☒) <i>Facsimile</i>
Boise, ID 83720-0098	() <i>Overnight Mail</i>
Fax No. 208-287-6700	() <i>Email</i>



Robert L. Harris
Holden Kidwell Hahn & Crapo P.L.L.C.