

Merritt, Allen

From: Spencer, Nick
Sent: Tuesday, March 22, 2011 3:42 PM
To: Jones, Doug
Cc: Merritt, Allen; Ridgeway, Renea
Subject: 47-15262 (Christiansen) and 47-2137 (Meyers)

Hi Doug.

We had an initial status conference on Mike Creamer's motion to alter and amend the SM's recommendation of, and motion for late objection to, 47-15262 this morning. Creamer was on the phone. Meyers and his farm manager, Mr. Giles, were in court. So was Kirk Christiansen and Verla Kinsey. Until Ms. Kinsey spoke, I had not realized that 47-15262 was the same subcase we had previously been involved in with her.

The bottom line is that everybody wants to resolve the dispute through discussion rather than litigation, but, in speaking with Creamer this afternoon, he is not optimistic that such can happen, but he would like to try. At this point he has two concerns.

First, even though the SM set the hearing on his motions for April 21st at 1:30 p.m., he is worried that Allen and you might dismiss the pending transfer application for 2137 per the show cause order before that date. I told him I did not think you guys would do that while he is moving forward in the SRBA to try to resolve the impediment to IDWR's approving the transfer.

Second, he wants to continue discussions with IDWR (and Christiansen and Kinsey to the extent necessary) to try to come up with a potential solution prior to the April 21st hearing because it would be easier for both sides if they could voluntarily agree that the motions should be granted in order to re-open 15262 in aid of resolving the dispute. I told him that IDWR could not take any kind of formal action with regard to 15262 unless and until it was re-opened in the SRBA, but I didn't see why we couldn't at least continue brainstorming the problem before that time if it would save the parties from having to engage in a knock down legal battle over the motion. In pondering the problem it occurred to me that an accomplished transfer of 2137 might be a possible resolution avenue to explore. Subsequently, in refreshing my recollections by reviewing your January 13th memo to Gary and Jeff, I saw that you had already thought of this idea. Since I did not participate in Creamer's meeting with Gary and Jeff, I do not know what their take is on the situation, but I intend to talk to Jeff to find out.

Please let me know your thoughts on what form the ultimate resolution of this dispute should take.

Thanks,
NBS