

Van Dyke, Nick

From: Lori Graves [L.Graves@spfwater.com]
Sent: Tuesday, May 01, 2012 11:42 AM
To: Van Dyke, Nick
Subject: RE: casa del norte

Nick,

I have a response from the client regarding the BLM rights that were erroneously included in a combined use condition on some Casa Del Norte rights subject to Transfer 74513. John McCallum decided not file motions to set aside the partial decrees required to correct the errors. This confirmation was provided per telephone call today with Theresa McCallum. Please proceed with transfer processing.

One request that we have is for IDWR to note the associated water right files with the Department's acknowledgement of the error. Thanks Nick.

From: Van Dyke, Nick [<mailto:Nick.VanDyke@idwr.idaho.gov>]
Sent: Thursday, April 05, 2012 1:18 PM
To: Lori Graves
Subject: RE: casa del norte

Lori,

Have you had a chance to discuss this?

Nicholas Van Dyke

Sr. Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 287-4949
Fax: (208) 287-6700
Email: nick.vandyke@idwr.idaho.gov

From: Lori Graves [<mailto:L.Graves@spfwater.com>]
Sent: Thursday, March 29, 2012 12:31 PM
To: Van Dyke, Nick
Subject: RE: casa del norte

Thanks much Nick. I'll get back to you ASAP after we discuss.

From: Van Dyke, Nick [<mailto:Nick.VanDyke@idwr.idaho.gov>]
Sent: Thursday, March 29, 2012 10:11 AM
To: Lori Graves
Subject: RE: casa del norte

Lori,

Below is an email from Jan Shurte outlining amending the decrees. Jan says hello as well.

"Ray said that it takes about 3-4 months to get a Motion to Set Aside into a new partial decree. They file the motion, it usually goes before a Special Master rather than the Judge, then a hearing is scheduled so everyone can tell their story

and the Special Master issues a decision based on that hearing. This would be Booth who is actually very quick on his decisions."

As far as consequences of leaving the conditions as decreed – I don't really see any. Casa Del Norte will have the same amount of water before and after the transfer.

The only hypothetical I can think of is if some kind of ownership issue came up. If BLM or a party after BLM decided to peel off the B portions, this issue could come up again. It's just frustrating clerical mistakes have to become such a headache.

Nicholas Van Dyke

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From: Lori Graves [<mailto:LGraves@spfwater.com>]
Sent: Thursday, March 29, 2012 7:32 AM
To: Van Dyke, Nick
Subject: RE: casa del norte

Nick,

Could you please outline what it would take to get the decreed conditions corrected and the consequences of leaving them as decreed so that we have written direction from the Department to present to our client. Thanks Nick

From: Van Dyke, Nick [<mailto:Nick.VanDyke@idwr.idaho.gov>]
Sent: Wednesday, March 21, 2012 10:58 AM
To: Lori Graves
Subject: RE: casa del norte

I spoke with Fred, he's fine with splitting the overall combined limit between Casa Del Norte and BLM into two separate limits. This approach does lower Casa's irrigation limit from 1,586.7 to 1532.7 within the 2927 acre ppu. I just want to be clear because the court decreed these a bit goofy.

Nicholas Van Dyke

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From: Lori Graves [<mailto:LGraves@spfwater.com>]
Sent: Wednesday, March 21, 2012 10:32 AM
To: Van Dyke, Nick
Subject: RE: casa del norte

Per our telecon, I agree with you that the BLM rights should be tied in as associated rights, thereby leaving the total acre limit as proposed. Please let me know if BLM has heartburn over this. Thanks Nick.

From: Van Dyke, Nick [<mailto:Nick.VanDyke@idwr.idaho.gov>]

Sent: Wednesday, March 21, 2012 9:30 AM

To: Lori Graves

Subject: casa del norte

Attached is the page of the transfer application I interpreted as wanting to remove BLM's portion from the overall combined use limits – "Partial decrees 61-2095B, 61-2209B, ..."

I just wanted to be clear because the overall acre limit after transfer, 1586.7 would then drop a bit on Casa Del Norte's combined limit portion.

Nicholas Van Dyke

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