

MEMORANDUM

DATE: 10/6/2003  
FROM: Lori Graves  
TO: Nick Spencer, Susan Hamlin Nygard  
CC: Dave Tuthill, Jan Shurte, Scott King, Steve Lester

RE: Notice of Fact Finding Hearing

Black Mesa Farms, LLC, (BMF) filed the attached transfer, no. 70343, proposing a permissible place of use for claims 2-103 and 2-2209B. Before processing can proceed on this transfer, guidance has been requested regarding the SRBA recommendations for these claims. Because of the complicated history associated with these claims, as reviewed in the attached draft memo dated 9/22/2003, a meeting was held with Dave Tuthill, Jan Shurte, Scott King, Steve Lester and myself 8/12/03. After discussing the issues, Dave decided that a fact finding hearing was necessary in this case for the following reasons:

1. Peter Anderson's Recommended Decision and Order denying Cottonwood Canal Company's petition to correct license 2-2209 is still pending the Director's approval. If a resolution is reached, the petition may no longer be necessary.
2. Additional information brought forth in the hearing will assist the SRBA staff in making their recommendations to the court on the associated claims involved and may alleviate possible objections to those recommendations.
3. A resolution may also alleviate possible protests to the proposed transfer application no. 70343 when advertised.

Dave requested that a copy of transfer application no. 70343, including the application's attachments A through D, and my draft memo dated 9/22/03 be included with the hearing notice. He also requested that a copy of Peter Anderson's recommended decision be included, which is attachment B of the transfer application.

The hearing notice, transfer application and draft memo need to be sent to the following parties:

Black Mesa Farms LLC  
PO Box 82  
Glenns Ferry ID 83623

Wesley and Kristine Wootan  
PO Box 636  
Glenns Ferry ID 83623

Givens Pursley LLP  
Attn: Mike Creamer  
PO Box 2720  
Boise ID 83701

United States of America Acting Through  
USDI Bureau of Land Management  
Idaho State Office  
1387 S Vinnell Way  
Boise ID 83709-1657

Cottonwood Mutual Canal Company  
C/o Ringert Clark Chartered  
PO Box 2773  
Boise ID 83701

Walter and Terrie Trail  
Rt 1 Box 65  
King Hill ID 83633

Please note that Mike Creamer represents Black Mesa Farms but has not officially made himself their attorney of record, however Wes Wootan requested notice of the hearing be sent to Mr. Creamer. Walter and Terrie Trail are being notified because they share the same Snake River pump station (point of diversion) for their water right/claim 2-4021 with the rights involved with this case. The Trails are not required to attend the hearing.

Please let me know if you have any questions.