

Fawcett, Trish

From: Fawcett, Trish
Sent: Friday, August 12, 2011 3:55 PM
To: Merritt, Allen; 'Jim Speck'; 'Mr. James Laski'; 'mhicks@hollandhart.com'; 'hmsoltman@hollandhart.com'
Cc: 'Jack Levin'; 'Darrell Rubel'; 'Scott Nicastro'
Subject: RE: Application to Amend Permit 37-21337

The advertisement has been cancelled.

Trish

-----Original Message-----

From: Merritt, Allen
Sent: Friday, August 12, 2011 3:52 PM
To: Jim Speck; 'Mr. James Laski'; mhicks@hollandhart.com; hmsoltman@hollandhart.com; Fawcett, Trish
Cc: 'Jack Levin'; 'Darrell Rubel'; 'Scott Nicastro'
Subject: RE: Application to Amend Permit 37-21337

Trish,

I just got off the phone with Hillary Soltman and Matt Hick representing the applicant. Based on our phone conversation they request that the advertisement you prepared be pulled from the paper. I understand that based on your inquiry earlier today the deadline for pulling the advertisement is at 5:00pm this afternoon. Please contact them ASAP and pull the advertisement.

I understand that this will give the parties additional time to work things out upfront and avoid a protest. The attorneys will contact us when we can go to advertisement.

Thanks,

Allen

-----Original Message-----

From: Jim Speck [<mailto:jim@speckandaanestad.com>]
Sent: Friday, August 12, 2011 12:32 PM
To: 'Mr. James Laski'; mhicks@hollandhart.com; hmsoltman@hollandhart.com
Cc: Merritt, Allen; 'Jack Levin'; 'Darrell Rubel'; 'Scott Nicastro'
Subject: Re: Application to Amend Permit 37-21337

Jim, Matt and Hilary,

I just received the attached letter from IDWR notifying us of the advertising schedule for this Application. As you well know my client, the Valley Club Owners Association, vigorously disputes any claim by the Village Green at the Valley Club HOA (VGHOA), US Bank or any of its related entities, that there is any current right to access or use my clients wells, pumps and other parts of its water system and, without such right of access, there is no legal basis for the requested amendment. We are in the process of what we had believed were completely good faith negotiations to resolve this and other related issues so that, among other matters, the permit amendment could then proceed. In furtherance of that goal, my client asks that someone with proper authority to do so contact IDWR today and request that the Application NOT be advertised as described in the letter and to wait until they are notified that the settlement agreement has been signed before commencing advertising.

If, on the other hand, you elect to not take this requested action, my client will protest the Application and take any and all other action that may be required to terminate the current illegal use of water from its wells by VGHOA. My client is extremely disappointed by this turn of events and only hopes we can put the good faith negotiations back on track. Please respond immediately.

Jim

James P. Speck
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