

Skaggs, Pam

From: Skaggs, Pam
Sent: Monday, June 27, 2011 12:41 PM
To: 'Jim Speck'
Cc: 'Dr. Charles E. Brockway'; 'Christine Barrie'
Subject: RE: Barrie Family Partners/Transfer 73608

Jim,

My original intent was to hold the application for 30 days from the date of the email, but with this request will hold processing for 30 days from the decree date. If no further information is provided during this time period, application processing will be completed as currently requested.

If your client is proposing to modify the original application, please submit a completed Application for Transfer form describing the new proposal fully. A readvertisement fee of \$50 may be necessary if the point of diversion legal description varies from the original application. Full transfer application fees may apply if the proposal is substantially different from the previously processed application reflecting a new transfer request versus an amended application.

Hopefully we will be able to complete this process in a timely manner to meet the applicant's needs now the partial decree issues have been resolved. I look forward to hearing your decision on final disposition of this application.

Pam

Pam Skaggs
WR Supervisor
287-4951

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Monday, June 27, 2011 12:06 PM
To: Skaggs, Pam
Cc: 'Dr. Charles E. Brockway'; 'Christine Barrie'
Subject: RE: RE: RE: Barrie Family Partners/Transfer 73608

Pam,

I have interpreted your e-mail below to give us 30 days from the date the decree is issued. Please confirm I am correct as I expect that decree to come out anytime in the next 10 days. We are considering alternatives to the point of diversion that is shown on the original application as that point will no longer work for my client. My client is now in town and we hope to finalize the choice soon. Thank you.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)



CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

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

From: Skaggs, Pam

Sent: Monday, June 06, 2011 1:11 PM

To: Jim Speck

Cc: Dr. Charles E. Brockway; Christine Barrie

Jim,

Transfer application 73608 proposes a change to the location of the point of diversion under Right 37-332.

The application has a long processing history described below:

- * application was filed by the Barrie Family Partners on 12-28-2005
- * the transfer was approved 09-20-2007
- * following a petition for reconsideration, the approval was rescinded 10-22-2007
- * application processing was placed on hold pending resolution of the total number of authorized irrigated acres under Right 37-332 through Snake River Basin Adjudication (SRBA) court
- * and a new Special Master's Recommendation for Right 37-332 issued on 05-09-2011 signaling a partial decree may follow in the near future.

We have already held this application from processing for over 3 years to accommodate actions in the SRBA court. The applicants have not withdrawn the application during this time. The active transfer application is the applicants' request to change the point of diversion.

Per standard transfer conditions, the applicants will have a year to accomplish the changes authorized under the transfer approval when it is issued.

If the applicants have changed their mind regarding the proposed change to the point of diversion for Right 37-332, please submit a statement of withdrawal of the application. Otherwise, when a partial decree has been issued by the SRBA court for Right 37-332, we will complete the transfer process by issuing a new transfer approval incorporating the changes to the right by the SRBA court.

No action will be taken for 30 days even if the partial decree is issued to allow you to time to discuss this matter with your clients. I will be happy to answer any questions you might have regarding the proposed approval or processing.

Pam

Pamela S. Skaggs
Water Rights Supervisor
Idaho Dept. of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
(208) 287-4951
pam.skaggs@idwr.idaho.gov

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Friday, June 03, 2011 2:18 PM
To: Skaggs, Pam
Cc: 'Dr. Charles E. Brockway'; 'Christine Barrie'
Subject: RE: RE: Barrie Family Partners/Transfer 73608

Pam,

My client has not yet determined whether or not it should proceed with the pending transfer application. As a first step we must be certain it gets decreed as recommended by the special master. Once the decree is issued we ask for 90 days to make a decision. This will allow my client to review all options over the course of the summer. They are out of state owners but here much of the summer season. Please confirm this will be acceptable to IDWR.

Thank you and enjoy your weekend.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

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

From: Skaggs, Pam
Sent: Friday, June 03, 2011 9:44 AM
To: jim@speckandaanestad.com

Jim,

I have prepared an updated draft transfer approval for Transfer 73608 reflecting the 05-09-2011 special master recommendation of right 37-332, and attached a copy for your review. When the court issues a partial decree for this right, I will proceed with processing the application based on that record. If the applicant doesn't wish to proceed with the transfer, please submit a withdrawal of the application before the partial decree and new approval is issued.

I will be checking the status of this right on a regular basis until the partial decree is issued. Once the necessary database updates are completed to reflect the partial decree in the water right database, the transfer approval will be issued. Please advise me of any concerns you have with this plan.

Thank you for your time and comments.

Pam

Pam Skaggs
WR Supervisor
287-4951

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

From: Skaggs, Pam
Sent: Wednesday, July 07, 2010 2:24 PM
To: 'jim@speckandaanestad.com'
Subject: RE: Barrie Family Partners/Transfer 73608

Jim,

I have been holding this file pending resolution of the SRBA Recommendation or partial decree of Right 37-332. I will prepare a new transfer approval based on the finalized version of the right when this has been accomplished.

You can help move this process along by notifying me when the partial decree has been issued instead of waiting for me to call-up the file at some future date to check the status.

If Barrie Family Partners don't wish to complete the transfer process to change the point of diversion, a withdrawal of the transfer application should be submitted.

Thank you for your inquiry regarding this pending transfer. Let me know if you need any additional information.

Pam

Pamela S. Skaggs
Water Rights Supervisor
Idaho Dept. of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
(208) 287-4951

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Thursday, July 01, 2010 5:04 PM
To: Keen, Shelley
Cc: natootsi@aol.com; 'Charles E. Brockway'
Subject: Re: Barrie Family Partners/Transfer 73608

Shelley,

Attached is a copy of your letter transmitting the Order Withdrawing A Preliminary Order whereby the above referenced Transfer was approved. The subject water right, 37-332, is now very close to settlement in the SRBA pending agreement on certain requested remarks. However, we have agreed to a 15.9 acre place of use (see the attached last draft of the SF5 recommendation).

My client may wish to complete the processing of the change in point of diversion requested by this Transfer once the partial decree for 37-332 is issued. What steps will be required for us to do that?

Thank you.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

Attachment(s): 73608 Barrie Family Partners-V2.RTF

06/15/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-332

NAME AND ADDRESS: BARRIE FAMILY PARTNERS
PO BOX 793
BELLEVUE ID 83313

Modified rec 6-23-2010

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.000 CFS

This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands in the place of use.

PRIORITY DATE: 07/01/1887

POINT OF
DIVERSION: _

T02N R18E S26 SENESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.000 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	<u>T02N R18E S26 NWSE 0.20</u>	<u>T02N R18E S26 SWSE</u>	<u>5.60 13.00</u>
	<u>T02N R18E S35 NENE 0.20</u>	<u>T02N R18E S35 NWNE</u>	<u>2.70 2.50</u>
	<u>8.3-15.9 ACRES TOTAL</u>		

The rights listed below are limited to the irrigation of a combined total of ~~8.3~~ 15.9 acres in a single irrigation season. Combined Right Nos.: 37-332, 37-2639D, & 37-13371.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed