

Submitted by To Beeman

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OCT 30 2007

TIMELINE: Swan Falls and Astorquia Permit

DEPARTMENT OF WATER RESOURCES

Timeline Events	Timeline Dates	Permit 37-7465 Comparison
*Letter from Idaho Power to an irrigation company granting permission to install 2 pumping stations and withdraw water	April 6, 1967	
Application for permit (Astorquia Permit 37-7460)	10-20-75	12-1-75
Permit approved (Astorquia Permit 37-7460)	12-5-75	1-9-76
*Protest of Idaho Power against applications for permit filed at IDWR	December 30, 1977	
*Idaho Public Utility Commission (IPUC) Order (14595) approving Idaho Power's irrigation embargo	April 27, 1979	
*IPUC Order (14662) denying rehearing of previous proceeding	June 1, 1979	
*IPUC Order (15305) confirming and extending Idaho Power's irrigation embargo	February 1, 1980	
Beneficial Use Deadline (Astorquia Permit 37-7460)	12-1-80	1-1-81
Request for Extension of Time to submit Proof of Beneficial Use (Astorquia Permit 37-7460)	1-7-81 ¹	11-18-80
Date of approval of Request for Extension of Time (Astorquia Permit 37-7460)	1-9-81	12-18-80
*Idaho Supreme Court holds that Idaho Power's water rights at Swan Falls were not subordinated to upstream development	November 19, 1982	
*IDWR imposed a de facto moratorium on approval of new consumptive uses of water upstream from Swan Falls dam.	November 19, 1982	
*Letter from Idaho Power withdrawing permission to irrigation company (see letter of April 6, 1967)	March 2, 1983	
*Idaho Power Complaint (case no. 81375) names water right nos. 37-7460 and 37-7465	March 30, 1983	
*IPUC Order (18501) requesting comments from parties regarding Idaho Power's continued irrigation embargo	December 5, 1983	
New Deadline for Beneficial Use (Astorquia Permit 37-7460)	1-1-84 (requested 12-1-85)	1-1-86 (requested 1-1-86)
Permit lapses (Astorquia Permit 37-7460)	January 4, 1984	
*IPUC Order (18641) rescinding approval of Idaho Power's irrigation embargo	January 23, 1984	
*Framework for final resolution of Swan Falls controversy signed	October 1, 1984	
*Swan Falls Agreement and Contract signed	October 25, 1984	
*Dismissal of Astorquias (37-7460)	January 4, 1985	
*Dismissal of Bowmans (37-7465)	May 20, 1985	
*Letter from IDWR to permit holders, regarding proof of beneficial use	September 1, 1985	

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¹ Mr. Astorquia's Request for Extension of Time was filed 1 month, 6 days after the December 1, 1980 deadline. The priority date for permit 37-7460 was advanced from October 20, 1975 to November 26, 1975.

Peppersack, Jeff

To: Jo Beeman
Cc: Rassier, Phil
Subject: RE: Astorquia permit 37-7460

Jo,

My understanding is that the Dept. was willing to add a condition to a license providing for SRBA review of the priority date issue. That approach was the result of your discussions with Phil Rassier. You had several questions regarding that approach. Your email of October 26, 2007 indicates that you met with Phil and Susan Hamlin-Nygard in May, 2006. Susan recommended that IDWR maintain the status as a permit. Looks like it was recommended in the Directors Report as a permit. Lately, the SRBA court has been unwilling to issue a decree based on a permit.

IDWR could leave it as is and wait for direction from the SRBA court. Or, IDWR could issue the license with the condition providing for SRBA review; we don't know how the court will react to that condition. Lastly, IDWR could issue the license without the condition and you could appeal to district court.

Jeff

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

From: Jo Beeman [mailto:jo.Beeman@beemanlaw.com]
Sent: Monday, October 29, 2007 4:02 PM
To: Peppersack, Jeff
Subject: Astorquia permit 37-7460

Jeff,

Does the Department view the priority date issue as resolvable only at the SRBA court?

Jo

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10/29/2007