

Keen, Shelley

From: Dylan Lawrence [DBL@moffatt.com]
Sent: Friday, May 20, 2011 1:33 PM
To: Keen, Shelley
Cc: Scott King; Bert Doughty
Subject: RE: Proposed Change to Water Right License 72-7573

Hi Shelley.

That revised language looks good. Perhaps consider inserting "delivery" before "call," though that is a pretty minor point. Otherwise, I understand that IDWR will be issuing a revised license with this alternate language. Please let us know if you need anything else from Thompson Creek.

Thank you for the compliment regarding the Water Supply Bank article. Monica was extremely helpful in providing comments and giving me the latest WSB developments.

Dylan

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From: Keen, Shelley [<mailto:Shelley.Keen@idwr.idaho.gov>]
Sent: Tuesday, May 17, 2011 2:13 PM
To: Dylan Lawrence; Scott King
Subject: Proposed Change to Water Right License 72-7573

Dylan and Scott,

Here's my suggestion for revising condition no. 3 on License 72-7573 to remove the ambiguity in the first sentence:

The right holder shall rely on its surface water rights for industrial purposes, to the extent they are available, before making a call for ground water against junior appropriators to satisfy this right.

I think IDWR can make the change without a petition for reconsideration pursuant to Rule 760 of IDWR's Rules of Procedure:

A hearing officer issuing a recommended or preliminary order may modify the recommended or preliminary order on the hearing officer's own motion within fourteen (14) days after issuance of the recommended or preliminary order by withdrawing the recommended or preliminary order and issuing a substitute recommended or preliminary order. The agency head may modify or amend a final order of the agency (be it a preliminary order that became final because no party challenged it or a final order issued by the agency head itself) at any time before notice of appeal to District Court has been filed or the expiration of the time for appeal to District Court, whichever is earlier, by withdrawing the earlier final order and substituting a new final order for it.

Our window of opportunity for exercising Rule 760 closes May 25, 2011. I'll wait to hear from you before acting.

Also, on the phone I forgot to mention to Dylan that I saw the *Advocate* article about the Water Supply Bank. I thought it was really well done. I think Monica appreciates your spreading the word about a program she's working hard to run efficiently for the people of Idaho.

Shelley Keen

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