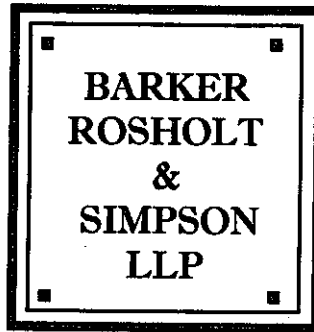


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October 12, 2009

RECEIVED

OCT 14 2009

DEPARTMENT OF
WATER RESOURCES

VIA US MAIL AND E-MAIL

Gary Spackman, Interim Director
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Milner License No. 01-7011 Case/ Request for Documents

Dear Interim Director Spackman:

This firm represents the North Side and Twin Falls Canal Companies in the pending protest of License No. 01-7011 currently scheduled for hearing in February, 2010.

For purposes of hearing preparation, the Canal Companies request that IDWR make the following documents and information available relating to the permit and license proceedings for License No. 01-7011.

- 1) Please provide all documents, including notes, photographs, electronic communications, and any other documents in the IDWR's files regarding the initial investigation conducted by the Idaho Department of Water Resources predecessor, of the Milner Dam as a potential power production site on the Snake River.
- 2) Please provide all documents, including notes, photographs, electronic communications, and any other documents in the IDWR's files regarding the application for permit for a hydropower right made by the Twin Falls and North Side Canal Companies to develop a power right at the Milner Dam.
- 3) Please provide all documents, including notes, photographs, electronic communications, and any other documents in the IDWR's files regarding the Canal Companies discussions with the IDWR and the Idaho Water Resource Board relating to the Agreement not to include a subordination provision in the permit and license for the Milner hydropower water right number 01-7011.

- 4) Please provide all documents, including notes, photographs, reports, electronic communications, and any other documents in the IDWR's files for the years 1977 through the present in any way related to the IDWR's work on and analysis of the Milner water right permits and License numbered 01-7011.
- 5) Please provide all documents, including note, photographs, reports, electronic communications, and any other documents of any kind submitted to and/or prepared by the Idaho Department of Water Resources relating to water right permit no. 01-7054.
- 6) Please provide all documents, including notes, photographs, reports, electronic communications, and any other documents of any kind relating to and/or prepared by the Idaho Department of Water Resources relating to water right application nos. 01-7131, 01-7132, 01-7133, 01-7134, 01-7135, 01-7136, 01-7137, 01-7139, 01-7140, 01-7141, 01-7142, 01-7143, 21-7574, 21-7575, 21-7576, 21-7577, 21-7578, 21-7579 and 21-7580.

Please call me at (208) 336-0700 if you have any questions concerning this request.
Thank you for your attention to this matter.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP



Shelley M. Davis

✓ Cc: Hon. Gerald F. Schroeder, Hearing Officer
Randy Budge
Candace McHugh
Mike Gilmore
Phil Rassier