



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

December 4, 2009

MR. TRAVIS L. THOMPSON
BARKER ROSHOLT & SIMPSON LLP
P.O. BOX 485
TWIN FALLS, ID 83303-0485

VIA EMAIL
AND U.S. MAIL

RE: IDWR Response to Request for Records in *In the Matter of Re-Instatement of Permit No. 37-8388 in the Name of SDRTR, LLC*

Dear Mr. Thompson:

The Idaho Department of Water Resources (IDWR) received your letter dated November 23, 2009 requesting certain documents in the administrative contested case *In the Matter of Re-Instatement of Permit No. 37-8388 in the Name of SDRTR, LLC*. The records you have requested are maintained at IDWR's State Office in Boise. Not counting the lapsed permits that may have been reinstated, IDWR believes it has 10,245 lapsed permits in its database. Through a number of queries that will take approximately four hours of staff time, IDWR believes it can provide a list of lapsed permits within the last 30 years and identify some of those lapsed permits that have been reinstated. IDWR's research rate is \$56.00 per hour after the first hour.

Once confirmation is received that you want to proceed with the research and pay the research rate, IDWR will make the requested documents available for your inspection anytime after December 7, 2009 during normal business hours at the IDWR State office in Boise. During the inspection you have the right to make a photocopy of any document. When you are ready to inspect the records, you may find it convenient to schedule an appointment with the agency personnel listed below to inspect records you have identified. Depending on the type and age of documents, scanned images of the active files are available online. Older files may be available on microfiche and can be viewed at the State Office. IDWR may be able to provide some of the documents electronically.

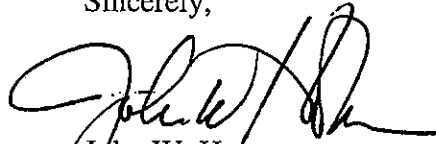
Danni Smith, Office Services Supervisor - 287-4910 -State Office -

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Should you determine it necessary to depose Mr. Peppersack or Ms. Skaggs after reviewing the documents, their schedules are fairly open during the upcoming months of January and February. If you could narrow down the timeframe and decide on a couple of alternate dates, IDWR staff, with a little notice, should be available to attend depositions scheduled during the next couple of months.

Please do not hesitate to contact me at the (208) 287-4812 if you have any questions or need to make further arrangements.

Sincerely,

A handwritten signature in black ink, appearing to read 'John W. Homan', written over the printed name.

John W. Homan
Deputy Attorney General
Natural Resources Division

c. Shelley Keen, Hearing Officer
Danni Smith
Jim Speck