



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

April 3, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Brian L McMahan, Atty
Millemann Pittenger, McMahan & Pemberton LLP
706 N First Street
PO Box 1066
McCall ID 83638

RE Application for Exchange #75007 ID Water Board & USBOR

Dear Mr. McMahan:

This letter is in response to your 3/27/09 letter requesting an extension of time to provide a written overview to parties in the above contested application for exchange. Your request for an extension of time to 04/17/09 is granted; however additional time requests will not be considered.

Our agency is certainly sympathetic to the situation your client is presently in; however, the applicant is entitled to the application process moving forward. Our statutes and rules of procedure set certain requirements for participation by parties/protestants in the contest process. This letter will serve as notice that future non appearance or failure to provide information requested by the set date will result in *default* pursuant to IDAPA 37.01.01 Rules 700-702. Your client's protest will be dismissed.

Should you have questions, please contact me at the Western Regional Office, phone 33-2190.

Sincerely,

John Westra, Manager

Cc: distribution list.

**MAILING DISTRIBUTION LIST
EXCHANGE NO. 75007**

APPLICANTS & ATTORNEYS:

Idaho Water Resource Board
Attn: Brian Patton, State Office
322 E Front St
PO Box 83720
Boise ID 83720-0098
(208) 287-4837

Bureau of Reclamation
Regional Director PN Region
Attn: Gail Mc Garry
1150 N Curtis Rd
Boise ID 83706
(208) 378-5306

US Dept of Interior
Boise Field Solicitor Office
Attn: Kathleen M Carr
960 Broadway Ave, Ste 400
Boise ID 83706
(208) 334-1911

Office of Attorney General
Natural Resources Division
Attn: David J Barber
PO Box 83720
Boise ID 83720-0010
(208) 334-4141

PROTESTANTS & ATTORNEYS:

Tamarack Resort LLC
Jean-Pierre Boespflug
c/o Millemann, Pittenger, Mc Mahan & Pemberton LLP
Attn: Brian L Mc Mahan
PO Box 1066
706 N 1st St
Mc Call ID 83638
(208) 634-7461

Minidoka Irrigation District
c/o Fletcher Law Office
Attn: W Kent Fletcher
PO Box 248
Burley ID 83318
(208) 678-3250

American Falls Reservoir District #2
c/o Capitol Law Group PLLC
Attn: C Thomas Arkoosh
PO Box 32
Gooding ID 83330
(208) 934-8872

The following 5 entities (protestants) are represented by Barker Rosholt & Simpson LLP:

A & B Irrigation District
Burley Irrigation District
Twin Falls Canal Company
North Side Canal Company
Milner Irrigation District
c/o Barker Rosholt & Simpson LLP
Attn: Travis Thompson
PO Box 485
113 Main Ave W, Suite 303
Twin Falls ID 83303-0485
(208) 733-0700

Lyle Swank, Watermaster, District 01
Ron Shurtleff, Watermaster, District 65

Black Canyon Irrigation Dist, Attn: Dennis
PO Box 226
Notus ID 83656