



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

March 10, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Tamarack Resort LLC
C/O Brian McMahan, Atty
Millemaññ, Pittenger, McMahan & Pemberton LLP
PO Box 1066
McCall ID 83638

RE: Protest- Application for Exchange #75007 Idaho Water Resource Board/BOR

Dear Mr. McMahan:

This letter is in response to your letter of March 5, 2009 regarding Tamarack's non-appearance at the prehearing conference for the above contested exchange application. Given you had notified me prior to the conference about your non-attendance, a notice for failure to appear will not be pursued. Please be advised that future non-appearance or a failure to respond may result in your client's protest being dismissed.

The prehearing conference did not yield settlement of the protests so a hearing has been scheduled for the second week in June 09. A hearing officer will be appointed in the next several weeks. You will be sent a hearing notice later outlining the specifics.

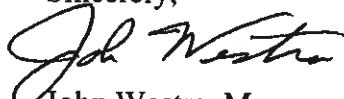
Your Notice of Protest states the following for basis:

Protestant is concerned about the precedent this proposed transfer will set all over the state of Idaho and neighboring states. Protestant is also concerned about maintaining the water level of the water stored under Water Right #65-2927A.

To allow the development of the contested case, please provide all parties a written overview with details and specifics regarding the basis for the Tamarack protest by **April 1, 2009**. A listing of parties is enclosed.

Should you have questions, please contact me at the Western Region, phone 334-2190.

Sincerely,



John Westra, Manager

Enclosure: Case Party list
Cc: Listed Parties

MAILING DISTRIBUTION LIST
EXCHANGE NO. 75007

APPLICANTS:

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

PROTESTANTS:

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

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