

MEMORANDUM

Date: February 02, 2009
To: Water Right File 95-8924
From: kfranklin
Re: Remanded License

A license was sent to Rathdrum Power LLC on February 27 2008 for the initial 14 day review. The 14 day period had lapsed prior to Rathdrum Power LLC raising an objection to the amount of the annual volume stated for the industrial portion of the license. On May 9 2008 Rathdrum Power LLC filed a Joint Motion for Remand with Idahos District Court for Kootenai County. The Court issued an Order of Remand on May 13 2008 referring the matter back to the Idaho Department of Water Resources. The department reviewed additional information supplied by Rathdrum Power LLC and adjusted the annual volume for the industrial use to reflect more accurately the contractual future need. The annual amount was however conditioned that if a transfer is ever filed to change the nature of use the total annual volume shall be limited to the amount that historically has been put to beneficial use.