

Memo

To: David Tuthill, Director
From: Megan Owens
CC: Garrick Baxter
Date: 12/2/2008
Re: Water Right No. 03-0718—Order Extending Deadline to File Brief and Continuance of Status Conference Date

Attached for your review and signature are (1) an e-mail from Scott Magnuson of Barker Rosholt & Simpson and (2) a Proposed Order Extending Deadline to File Brief and Continuance of Status Conference Date, which has been reviewed by Garrick Baxter.

If the Proposed Order meets with your approval, please sign it in the place indicated and return it to me.

Owens, Megan

From: Scott Magnuson [sam@idahowaters.com]
Sent: Tuesday, December 02, 2008 8:57 AM
To: Owens, Megan
Cc: Baxter, Garrick; John Simpson
Subject: 03-07018 Appeal
Attachments: IPC 03-7018 proposed order.doc

Megan Owens
Idaho Department of Water Resources

Dear Ms. Owens:

Attached herewith please find a draft proposed order in case number 03-07018. Attorney John Simpson indicated that pursuant to his recent discussion and understanding with Mr. Garrick Baxter, a proposed order regarding the above referenced case should be emailed to you forthwith so that you can review same and work with the director to finalize and get the order out.

Thank you for your attention to this. If you have any questions, concerns, or we have in any way misunderstood the aforementioned, please contact me.

Sincerely,

Scott A. Magnuson
Barker Rosholt & Simpson
1010 W. Jefferson, Suite 102
Boise, Idaho 83702
Tel: (208) 336.0700
Fax: (208) 344.6034

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12/2/2008

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF LICENSED WATER	)	ORDER EXTENDING
RIGHT NO. 3-7018 IN THE	)	DEADLINE TO FILE BRIEF
NAME OF IDAHO POWER COMPANY	)	AND CONTINUANCE OF
	)	STATUS CONFERENCE DATE
	)	
_____	)	

On November 23, 2007, the Idaho Department of Water Resources ("Department") issued a Preliminary Order approving the issuance of Water Right License No. 03-7018. On December 3, 2007, Idaho Power Company ("Idaho Power") filed an appeal of the Preliminary Order. On July 25, 2008, Idaho Power served their first set of discovery requests on the Department. In response, on or about October 1, 2008, the Department filed a Statement of Position.

A status conference hearing is currently calendared for December 9, 2008. The deadline for Idaho Power to file a supporting brief is December 2, 2008. Counsel for Idaho Power and the Department have been discussing the possibility of Idaho Power dismissing the appeal of the Preliminary Order and the effects of same.

Idaho Power requested an order extending the filing deadline of their brief and a continuance of the calendared status conference. There are no other parties in this case.

ORDER

Based upon the aforementioned, IT IS HEREBY ORDERED:

1. IPCO's request to extend the deadline to file a supporting brief is hereby granted.

The new deadline to file the brief shall be December 22, 2008.

2. The date for the status conference, December 9, 2008, is hereby continued to January 30, 2009 at 1:30 P.M., at IDWR located at 322 E. Front Street, Boise, Idaho. The parties may participate via telephone.

Dated this _____ day of December, 2008.

DAVID R. TUTHILL, JR.
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of December, 2008, I served a true and correct copy of the foregoing **ORDER EXTENDING DEADLINE TO FILE BRIEF AND CONTINUANCE OF STATUS CONFERENCE DATE** by delivering it to the following individuals by the method and address as indicated below:

HAND DELIVERED

Garrick Baxter
Deputy Attorney General
Idaho Department of Water Resources
322 E. Front St. 6th Floor
PO Box 83720
Boise, ID 83720

VIA U.S. MAIL, POSTAGE PREPAID

John K. Simpson
Barker Rosholt & Simpson LLP
1010 W. Jefferson St., Ste. 102
PO Box 2139
Boise, ID 83701

By: _____
