

Edl, Michele

From: Jessica Forbis [jf@idahowaters.com]
Sent: Thursday, October 02, 2008 2:48 PM
To: Edl, Michele; Rassier, Phil
Cc: Travis Thompson
Subject: TFCC/NSCC Milner Permit No. 01-7011
Attachments: 20081002 ltr to Michele Edi IDWR re Permit 01-7011.pdf

Attached please find a letter from Travis L. Thompson dated October 2, 2008.

Jessica Nielsen
Barker, Rosholt & Simpson
113 Main Ave. W., Suite 303
Twin Falls, Idaho 83301
(208) 733-0700
(208) 735-2444 fax

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10/2/2008

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October 2, 2008

VIA EMAIL & U.S. MAIL

Ms. Michele Edl
Idaho Department of Water Resources
322 E. Front St.
Boise, Idaho 83720-0098

Re: October 1, 2008 Letter (Permit No. 01-7011)

Dear Ms. Edl:

This firm represents Twin Falls Canal Company and North Side Canal Company ("Canal Companies"), the joint holders of water right permit no. 01-7011. In response to your October 1, 2008 letter requesting information, the Canal Companies offer this initial response.

First, the timing of your request is prejudicial to the Canal Companies. While the beneficial use exam was filed in October 1993, fifteen years ago, there is no basis to require additional information to be received by the Department within four (4) business days now. We just received the request yesterday and have not yet had time to fully review the file and information requested and discuss the matter with our clients. Further, we have not been provided an opportunity to review this request with Chuck Brockway (the water rights examiner who conducted the beneficial use exam) and Idaho Power Company. To that end we trust the Department will provide sufficient time for the Canal Companies to gather any necessary information to assist in your review.

Next, we need to review the basis for your request and the necessity to include an annual volume on a non-consumptive hydropower water right. To that end we will review the applicable statutes and rules and respond accordingly.

In summary, the Canal Companies would request an extension of four weeks (October 29, 2008) to respond to your request. This will give our clients a reasonable opportunity to research the files and collect the necessary information from those involved with the project.

Michele Edl – IDWR
October 2, 2008
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Please call me at (208) 733-0700 if you have any questions.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to read 'TJL', written over a horizontal line.

Travis L. Thompson

cc: Ted Diehl (NSCC)
Brian Olmstead (TFCC)
Craig Jones, Idaho Power Company
Phil Rassier, Deputy AG