

MEMORANDUM

DATE: April 22, 2008

TO: Water Right File 15-7285

FROM: Shelley W. Keen *SWK*

RE: Phone conversation with attorney Candice McHugh

This afternoon I spoke with Candice McHugh, attorney for the applicants, about the letter I sent her on April 17, 2008. Most of the conversation focused on the phrase "pump test or similar scientifically sound evaluation" on page 2 of the letter. I explained that IDWR thinks a pump test is probably the most reliable way to resolve the question of potential injury. Nevertheless, there may be some other technically sound way to resolve the question, such as a report prepared by a qualified professional concluding, based on analysis of the hydrogeology data already available, that impacts to the spring flows by a new well are highly unlikely.

We also discussed the possibility that IDWR could issue a permit if Samaria were to acquiesce in writing to the shift in (some of the) burden of proof from the applicants to Samaria if Samaria makes a delivery call in the future.

Ms. McHugh said that she will discuss the letter and our conversation with her clients and that they will probably respond in writing.