

MEMORANDUM

DATE: December 21, 2006

TO: Water Right File 37-20400

FROM: Shelley W. Keen 

RE: Lapsing of Permit

IDWR is reviewing Right 37-20402, which mitigates for the use of water under Permit 37-20400, to determine how it should be recommended in the SRBA. Because Permit 37-20400 has lapsed, is Right 37-20402 still a mitigation right, or has it reverted to its original purpose, which was irrigation?

Before changing right 37-20402 from mitigation to irrigation, we decided to be sure that Permit 37-20400 would not be reinstated. This morning I spoke with Chuck Brockway, Jr., who filed the application on behalf of Edward F. O'Gara Family Trust, to find out if proof was withheld intentionally. He told me that the property was sold to Bruce Willis, and that Willis's attorney is Ned Williamson. Mr. Brockway said that he would contact Mr. Williamson and then reply to me whether it looks like reinstatement of the permit will be pursued or not.