

MEMORANDUM

DATE: February 14, 2008

TO: Water Right Files 37-33 and 37-21128

FROM: Shelley W. Keen 

RE: Handling the issue remanded by the district court

This morning I spoke with attorney Jim Speck to agree on a process for handling the issue remanded by the district court. Mr. Speck said that Dr. Charles Brockway will prepare a report explaining the request to divert in excess of 0.02 cfs/acre. IDWR will issue a revised order after considering the report. The applicants can request a hearing if they feel aggrieved by IDWR's order.

We did not establish a timeline for dealing with this matter. Mr. Speck said that Dr. Brockway is busy and may not prepare the report right away. Mr. Speck and I agreed that the prior approval order is, meanwhile, not effective and that his clients are not authorized to make the point of diversion change at this time. IDWR will put this matter aside for now and wait to hear from Dr. Brockway.