

Keen, Shelley

From: Baxter, Garrick
Sent: Thursday, October 18, 2007 11:17 AM
To: Fritschle, Carter
Cc: Shaff, Don; Keen, Shelley; Harvey, Becky
Subject: FW: 03-7018 03-10184

Carter,

We have reached agreement with Idaho Power on the proposed comment language for 03-7018. However, SM Dolan does not want to issue his recommendation to the Court while it is in permit stage. But he also wants to nail the parties down as to the settlement. Thus, he has asked that we submit "Draft SF5s" to the court signed by all parties (Yes, I know it is weird, but this is what he wants). He will put those in his file and then wait for our status conference in January to check the status of the license. Can you please prepare a new recommendation in 03-7018 with the agreed upon language used below. Please clearly put DRAFT in the top of the document. Then, please forward the recommendation to Becky. Becky will prepare a SF5 coversheet marked DRAFT and then will circulate for signature.

On 03-10184, Idaho Power has agreed to not challenge the priority date. Becky will prepare a SF5 coversheet saying the right should be decreed as recommended. Becky will also circulate that for signature.

Shelley,

John Simpson has committed to getting John Bowling to contact you. FYI – you should be hearing from him soon.

Let me know if anyone has questions.

Thanks,
 Garrick

-----Original Message-----

From: Baxter, Garrick
Sent: Tuesday, October 09, 2007 9:34 AM
To: John Simpson (E-mail); Keen, Shelley
Cc: Harvey, Becky; Michael Orr (E-mail)
Subject: FW: 03-7018 03-10184

John,

I'm resending my email as requested. See below.

Shelley,

Have you received a response to your questions from Idaho Power/John Bowling?

Thanks,
 Garrick

-----Original Message-----

From: Baxter, Garrick
Sent: Wednesday, September 05, 2007 5:04 PM
To: 'John Simpson'; michael.orr@ag.idaho.gov
Cc: Keen, Shelley; Harvey, Becky
Subject: RE: 03-7018 03-10184

John,

I have had a chance to discuss your proposal with IDWR. IDWR will agree to settle 03-7018 by including the language "above the backwater created by said dam" in the comment. The Department is also close to licensing this right. Shelley Keen, with IDWR's Allocations Section, has an email into John Bowling with some questions. Once licensed, the comment in the license will read:

10/18/2007

The rights for the use of the waters under this license shall be subordinate to and not prevent or interfere with any future upstream diversion and use of the waters of the Snake River and its tributaries above the backwater created by said dam for the irrigation of lands or other consumptive beneficial uses in the Snake River watershed.

Our next status conference is October 18th. Depending upon how soon Idaho Power is able to answer Shelley's questions, IDWR might be able to have the proposed license out to Idaho Power by the time the status conference rolls around.

Let me know if you have any questions.

Thanks,
Garrick

Garrick L. Baxter
Deputy Attorney General
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
Phone: (208) 287-4811
Fax: (208) 287-6700

-----Original Message-----

From: John Simpson [mailto:jks@idahowaters.com]

Sent: Thursday, August 16, 2007 9:07 AM

To: Baxter, Garrick; michael.orr@ag.idaho.gov

Subject: 03-7018 03-10184

Pursuant to my discussions with each of you my proposal is as follows:

03-7018: In the second paragraph of the other Provisions section the following language would be inserted after "waters of the Snake River and its tributaries" . . [above the backwater created by said dam]

The balance of the paragraph would remain. This inserted language would make the paragraph more consistent with the language in the other Brownlee rights(See 03-2023).

03-10184: To date I have been unable to identify documentation to support IPC's original claimed priority date. I am recommending to them that their objection be withdrawn.

If these actions are agreed to, I will get final approval from IPC and move forward with the withdrawals.

Thanks

John K. Simpson
Barker Rosholt & Simpson LLP
208-336-0700-phone
208-344-6034-fax

10/18/2007