Merritt, Allen

From: Bruce M. Smith [BMS@msbtlaw.com]
Sent: Sunday, December 17, 2006 8:56 PM
To: Merritt, Allen
Cc: Rob Williams (E-mail); Rob Williams (E-mail 2); Spackman, Gary; Gibson, Deborah; Keen, Shelley
Subject: RE: 72-7577, 72-7578,72-7579,75-7580

Allen—It is not clear to me what the status is on the applications numbered 4 and 5. The hearing officer recently dismissed 1,2,and 3.. If you intend to advertise 4or 5, please note that my client would protest both. This is a request that notices of advertisement be sent to me and my client. Thanks Bruce Smith

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From: Merritt, Allen [mailto:Allen.Merritt@idwr.idaho.gov]
Sent: Friday, October 13, 2006 3:20 PM
To: Bruce M. Smith
Cc: Rob Williams (E-mail); Rob Williams (E-mail 2); Spackman, Gary; Gibson, Deborah; Keen, Shelley
Subject: RE: 72-7577, 72-7578,72-7579,75-7580

Dear Mr. Smith:

This e-mail is in response to your inquiry and our phone conversation this morning. As we discussed, the letter of Mr. Williams dated 10/3/2006 incorrectly identifies files as transfers. To clarify, IDWR has five applications filed by Mark Lupher/Epicenter Aquaculture as listed below:

1. Application for transfer of water right 72-7209 numbered as transfer 67067. This application was protested and a hearing held by Peter Anderson. Mr. Anderson issued an order staying processing of this until ownership/lease issues were resolved.

2. Application for permit 72-7577. This application was protested and a hearing held by Peter Anderson. Mr. Anderson issued an order staying processing of this until ownership/lease issues were resolved.

3. Application for permit 72-7578. This application was protested and a hearing held by Peter Anderson. Mr. Anderson issued an order staying processing of this until ownership/lease issues were resolved.

** Note that the above three files were sent to the State Office on 11/13/2001 after the hearing.

4. Application for permit 72-7579. This application has been held due to the Salmon River Moratorium however the moratorium has been rescinded and this office is processing this application pursuant to guidelines adopted for processing permits in the Salmon River drainage. To date the application has not been advertised.

5. Application for permit 72-7580. This application has been held due to the Salmon River Moratorium however the moratorium has been rescinded and this office is processing this application pursuant to guidelines adopted for processing permits in the Salmon River drainage. To date the application has not been advertised.

During the processing of applications #4 and #5 listed above this office sent letters requesting additional information pursuant to the guidelines for processing applications in the Salmon drainage. During that phase of processing we learned that the litigation between Lupher and Morganroth had ended in an order or there was some sort of resolution. We requested copies which prompted the letter from Mr. Williams. We also requested the same information for #2 and #3 as #4 and #5. Please find attached a copy of our normal letter sent out pursuant to the guidelines for processing in the Salmon drainage.

As soon as our office finishes with critical SRBA review we intend to process (advertise) the block of applications for permit that have been held in the Salmon drainage due to the moratorium and those recently received including #4 and #5. As for #1, #2 and #3 any information received is forwarded to the State Office. Please direct questions regarding #1, #2 and #3 to the state office.

If you have further questions, please feel free to contact this office.

Allen Merritt

-----Original Message-----
From: Bruce M. Smith [mailto:BMS@msbtlaw.com]
Sent: Friday, October 13, 2006 10:54 AM
To: Merritt, Allen
Subject: FW: 72-7577, 72-7578,72-7579,75-7580

-----Original Message-----
From: Bruce M. Smith
Sent: Friday, October 13, 2006 10:46 AM
To: 'amerritt@idwr.idaho.gov'
Cc: Bruce M. Smith
Subject: FW: 72-7577, 72-7578,72-7579,75-7580

-----Original Message-----
From: Bruce M. Smith
Sent: Friday, October 06, 2006 6:30 PM
To: 'amerritt@idwr.state.id.us'
Cc: Bruce M. Smith
Subject: 72-7577, 72-7578,72-7579,75-7580

Allen—I received a letter from Rob Williams today referring to these transfers and some litigation that my client and the Luphers were involved in some years ago. The Luphers are running an aquaculture operation on my client's ranch. I'm not sure what this is about so can you give me a call to explain. If these transfers in any way relate to my client's property or water rights, it will be somewhat serious as the Luphers do not have any right to deal with my client's rights. Thanks Bruce