

Merritt, Allen

From: Luke, Tim
Sent: Tuesday, June 03, 2008 3:44 PM
To: Homan, John; Merritt, Allen
Cc: Tuthill, Dave; Spackman, Gary; Peppersack, Jeff; Rassier, Phil
Subject: WD37 Assessments Update

John, Allen

I spoke with Kevin Lakey this morning regarding any updates on the issues following the meeting Allen and I attended in Shoshone on May 23. Kevin said he had spoken yesterday with attorney Ed Lawson. Lawson said his clients would be satisfied if the water district took the following actions:

- Place the collected \$90,000 in a separate account (Lawson's clients apparently are okay if money is returned next year via assessment credit)
- Adopt IDWR's conflict of interest policy and have it applicable to all paid District staff.
- Request IDWR to include a web site address on annual meeting notice so users can link to meeting agenda and any proposed resolutions, proposed budget information etc.

In addition, Kevin has met with Deputy watermaster David Murphy and discussed again the conflict of interest issues. Murphy stopped working for the consultant about six to eight weeks ago. Kevin made it clear he has to choose one employer or the other. Kevin also called Fritz Hammerle and requested minutes of all or any meetings regarding Murphy's representations. Hammerle really only cited one hearing or meeting and has not yet provided minutes from this or other hearings. Kevin said he had already addressed issues raised by the one hearing Fritz referenced. Kevin and I discussed the above items and they are all doable, and as far as I know, the actions are acceptable to the Advisory Committee. Kevin will draft a letter to the parties and attorneys regarding these plans and actions.

John, I told Kevin that we could address the government spending question raised by Hammerle either directly in the letter he is drafting or by separate correspondence or attachment to his letter.

On a related matter, I am moving forward with Christine Roberts on creating an IDWR web page link for WD37 so that we can post basic information and the IDWR staff responses to Kevin's questions from this past winter. The attorneys' clients were interested in having copies of the responses or alternatively having them posted on this WD37 web page link.

I think Kevin has done a good job smoothing over some of these user/attorney concerns and I give him credit for keeping much of the litigation threat from escalating. He seemed sort of caught between these folks and his advisory committee.

Tim

Merritt, Allen

From: Luke, Tim
Sent: Friday, February 01, 2008 3:51 PM
To: watermanager@cableone.net
Cc: Merritt, Allen; Homan, John
Subject: FW: WD37- Nick Purdy Response

Kevin,

Please note the comments from one of our Deputy AG's regarding the letter I sent to Nick Purdy and cc'd you earlier today regarding the \$90,000 contract resolution item. Note specifically the recommendation that the District needs to look at competitive bidding requirements for a contract of this size. I believe you and I discussed that issue earlier this week but I did not address that in the letter to Mr. Purdy since that was not a specific question that he raised.

Tim Luke
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From: Homan, John
Sent: Friday, February 01, 2008 9:52 AM
To: Luke, Tim; Merritt, Allen
Cc: Rassier, Phil
Subject: RE: WD37- Nick Purdy Response

Tim,

Good letter. As we discussed earlier, much of what the the Consultant is to scheduled do has already been completed by the Department and the SRBA Court. Most of the remaining tasks, to the extent actually needed for water distribution, could also be completed by the Department and avoid the expense to the water users. It is important to get the details on what information the District believes it actually needs to distribute the water. Once identified, the Department may be in a position to provide the information to the District at little or no cost. Perhaps, after a detailed review of the proposed expenditures, there may still be an opportunity for a consultant to contract with the District in a specific area related to water distribution. The District will need to look at the competitive bidding requirements before a contract is issued to a specific consultant.

John

From: Luke, Tim
Sent: Thu 1/31/2008 3:52 PM
To: Merritt, Allen; Homan, John
Cc: Rassier, Phil
Subject: WD37- Nick Purdy Response

Allen, John

Here is my response to the letter from Nick Purdy regarding that WD37 resolution for expenditure of \$90,000 to research water rights. Let me know if you have any ideas or comments. Also attached is the original letter from Nick Purdy.

2/4/2008

Tim

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