

Roda, Evan

From: Bradley Ritts <ritts@stanfordalumni.org>
Sent: Sunday, October 27, 2024 5:35 PM
To: Rammell-O'Brien, Lacey
Cc: Roda, Evan
Subject: Re: PRBA Certificate of Compliance
Attachments: image001.png; IMG_20241026_145017860_HDR.jpg; IMG_20241026_145149861.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Thanks for the information. I'll review it this week and let you know if I have questions,

I went down there over the weekend, removed the cover and had a look. I've never seen water above the cover at ground surface always in the installed liner. After our talk I would have thought this looks like a shallow well if folks weren't already calling it a spring. Have a look at attached photos:

Thanks!
Brad
415-361-1911

On Fri, Oct 25, 2024, 2:44 PM Rammell-O'Brien, Lacey <Lacey.Rammell-OBrien@idwr.idaho.gov> wrote:

Hi Brad~

A quick follow-up from this morning. I had a chance to speak with Evan Roda, water resources supervisor in IDWR's Northern regional office, about your situation. He looked at the backfile for your water right and let me know that IDWR performed a site visit in 2000. That site visit was related to the application for permit filed by Thomas Anderson for development of the water right. The site visit was part of the process by which IDWR issued the License for your water right. Documentation of the site visit is included in the backfile. I have attached the backfile for 87-7215 for your review.

Because your water right is based on a license and not based on beneficial use, and given the prior documentation of investigation by IDWR of the pond and diversion works, it is unlikely that a change in source from surface to ground water will happen in your case. I have cc'd Evan to this email so you can reach out to him directly about the technical questions you may have. Evan has many years of experience in the North Idaho Adjudications and will be a helpful resource.

I hope this helps,

-Lacey-



Lacey Rammell-O'Brien | Deputy Attorney General
Water Resources Section | Energy and Natural Resources Division
Office of the Attorney General | State of Idaho
O: 208-287-4812 | W: ag.idaho.gov

NOTICE: This message, including any attachments, is intended only for the individual(s) or entity(ies) named above and may contain information that is confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law. If you are not the intended recipient, please reply to the sender that you have received this transmission in error, and then please delete this email.

From: Rammell-O'Brien, Lacey
Sent: Friday, October 25, 2024 11:10 AM
To: Bradley Ritts <rittts@stanfordalumni.org>
Subject: RE: PRBA Certificate of Compliance

Hi Brad~

Thanks for talking with me today. Here is the link to the informational website maintained by IDWR about the 2004 Nez Perce Agreement in the SRBA: <https://idwr.idaho.gov/iwrb/water-planning/minimum-stream-flows/nez-perce-agreement/>

The Idaho Water Adjudication also maintains a site with Nez Perce Agreement Documents:
<http://srba.idaho.gov/NEZPERCE.HTM>

Have a good weekend,

-Lacey-



Lacey Rammell-O'Brien | Deputy Attorney General
Water Resources Section | Energy and Natural Resources Division
Office of the Attorney General | State of Idaho
O: 208-287-4812 | W: ag.idaho.gov

NOTICE: This message, including any attachments, is intended only for the individual(s) or entity(ies) named above and may contain information that is confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law. If you are not the intended recipient, please reply to the sender that you have received this transmission in error, and then please delete this email.

From: Bradley Ritts <rittts@stanfordalumni.org>
Sent: Wednesday, October 23, 2024 8:32 PM
To: Rammell-O'Brien, Lacey <Lacey.Rammell-OBrien@idwr.idaho.gov>
Subject: Re: PRBA Certificate of Compliance

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Thanks for this - I haven't seen either document before. I definitely would have attended those additional hearings if I had received the notice -- that's why I was surprised today to hear that this has apparently been some changes. I'll call you on Friday and hopefully can learn what has happened and what steps, if any, I need to take.

On Wed, Oct 23, 2024 at 12:21 PM Rammell-O'Brien, Lacey <Lacey.Rammell-OBrien@idwr.idaho.gov> wrote:

Hi Brad~

Happy to chat with you about the process of amending a claim on Friday. I should be at my desk all day if you want to give me a call.

In the meantime, I'd encourage you to look at the [Administrative Order 1 \(AO1\) for the PRBA](#). They are the procedural rules by which the Court and parties are bound. Starting on page 7 (specifically 4(d)(2)) is the procedure for filing a motion to amend a claim. If you believe that something on your claim needs to be amended, you must first ask the Court for permission via filing a motion. This is because there has already been a Director's Report issued in your subcase. If the Court grants the motion to file an amended claim, she will likely order IDWR to conduct a field examination of the water. This will result in an Amended Director's Report

that may or may not alter the original Director's Report. This will also reopen the objection and response deadlines on the amended claim.

I will note for your information that Special Master Bilyeu set a deadline for field work of this type. The deadline passed on September 13, 2024. You can see this deadline on the April 10, 2024 [Order Appointing Moderator, Setting Hearings, and Deadline](#) in your subcase. I don't know how this will impact any motion to amend that you may file.

Talk to you Friday,

-Lacey-



Lacey Rammell-O'Brien | Deputy Attorney General
Water Resources Section | Energy and Natural Resources Division
Office of the Attorney General | State of Idaho
O: 208-287-4812 | W: ag.idaho.gov

NOTICE: This message, including any attachments, is intended only for the individual(s) or entity(ies) named above and may contain information that is confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law. If you are not the intended recipient, please reply to the sender that you have received this transmission in error, and then please delete this email.

From: Bradley Ritts <rittbs@stanfordalumni.org>
Sent: Wednesday, October 23, 2024 9:51 AM
To: Rammell-O'Brien, Lacey <Lacey.Rammell-OBrien@idwr.idaho.gov>
Subject: Re: PRBA Certificate of Compliance

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi Lacey -

Sounds like there is some information about groundwater versus springs and whether a claim should be amended. Can we have another call so that I can find out what's going on? I'm wide open on Friday this week -- otherwise please feel free to suggest a couple of good times to call.

Thanks,

Brad

On Wed, Sep 27, 2023 at 11:19 AM Rammell-O'Brien, Lacey <Lacey.Rammell-OBrien@idwr.idaho.gov> wrote:

Hi Mr. Ritts~

Thanks for speaking with me today. Hopefully I was able to provide you with some context about the confidential settlement discussions occurring in the Palouse River Basin Adjudication related to the objections filed by the United States on behalf of the Nez Perce Tribe.

Your subcase summary may be found here: <http://164.165.134.61/S8707215XX.HTM> and includes the June 8, 2023 *Joint Status Update and Motion for Court Notice of Future Settlement Meetings*, here: <http://164.165.134.61/Images/2023-06/8704060xx00034.pdf>. This document may provide additional information regarding the settlement process.

The PRBA Court is hosting several documents related to the Tribal/State-based claims virtual settlement here: <http://srba.idaho.gov/PRBA10.HTM>, including the Certificate of Compliance found here: <http://srba.idaho.gov/Forms/PRBA%20settlement%20meeting%20notice%20attach%202.PDF>. I have also attached it to this email.

If you would like to participate in the monthly confidential settlement discussions, please fill out the Certificate of Compliance and return it to me. You can either scan and email a copy or send a hard copy to the following address:

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

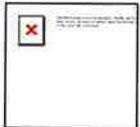
Attn: Lacey Rammell-O'Brien, Deputy Attorney General

Upon receipt and review, I will forward on the log-in information for the zoom call to you.

Please don't hesitate to reach out if you have questions or need additional information.

Sincerely,

-Lacey-



Lacey Rammell-O'Brien | Deputy Attorney General
Water Resources Section | Energy and Natural Resources Division
Office of the Attorney General | State of Idaho
O: 208-287-4812 | W: ag.idaho.gov

NOTICE: This message, including any attachments, is intended only for the individual(s) or entity(ies) named above and may contain information that is confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law. If you are not the intended recipient, please reply to the sender that you have received this transmission in error, and then please delete this email.



