

Miller, Nick

From: Miller, Nick
Sent: Tuesday, January 23, 2024 3:21 PM
To: 'Andy Waldera'; James McNamara
Cc: Evans, Lynne; carl@blackcanyonirrigation.com
Subject: RE: Protest Acknowledgment: Application for Permit No. 65-24051

Thank you both. This email string will be sufficient for us to document the file. Also, there will still be an opportunity for either party to petition for reconsideration of any preliminary order that is issued. I will reassign this application and get it moving forward.

Thanks again,

Nick.

From: Andy Waldera <andy@sawtoothlaw.com>
Sent: Tuesday, January 23, 2024 3:00 PM
To: James McNamara <jmcnamar@boisestate.edu>; Miller, Nick <Nick.Miller@idwr.idaho.gov>
Cc: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>; carl@blackcanyonirrigation.com
Subject: RE: Protest Acknowledgment: Application for Permit No. 65-24051

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I apologize, Nick. I thought that James' October 10, 2023 email "agree[ing] to [BCID's] request" did the trick because the condition language is contained at the end of the District's protest.

But, to end any confusion to the extent any exists:

BCID agrees to conditionally withdraw its protest to Application for Permit No. 65-24051 in exchange for the following reservoir "refill"-related condition being placed on any permit and future license that may issue under the application:

"This right is subordinate to the capture and retention of water in existing on-stream storage reservoirs operated for storage and flood control purpose during and following flood control operations until the date of allocation."

It seems we are all on the same page, but this summary should do it; provided that James again responds in the affirmative.

Thanks, and sorry for any confusion.

Regards,
Andy

Andrew J. Waldera
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From: James McNamara <jmcnamar@boisestate.edu>
Sent: Tuesday, January 23, 2024 2:51 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Cc: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>; carl@blackcanyonirrigation.com; Andy Waldera <andy@sawtoothlaw.com>
Subject: Re: Protest Acknowledgment: Application for Permit No. 65-24051

Thank you for following up. I think you're right, we are waiting for BCID to accept their stipulations. Is there anything else I need to do?

Regards,

Jim McNamara

On Tue, Jan 23, 2024 at 2:46 PM Miller, Nick <Nick.Miller@idwr.idaho.gov> wrote:

Hello all,

I do not see that anything has happened with this application since our last email exchange back in October. It looks like we are waiting on a withdrawal of protest document from BCID. Please let me know if I missed something, or if the parties are still working on settlement or if we need to schedule a conference.

Thank you,

Nick Miller

Manager, IDWR Western Region

From: Miller, Nick

Sent: Friday, October 20, 2023 12:25 PM

To: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>; James McNamara <jmcnamar@boisestate.edu>

Cc: carl@blackcanyonirrigation.com; Andy Waldera <andy@sawtoothlaw.com>

Subject: RE: Protest Acknowledgment: Application for Permit No. 65-24051

It looks like I didn't respond to this, sorry for the delay.

Normally, Black Canyon can submit a conditional withdrawal of protest or some other document withdrawing their protest on the condition that any permit issued contains the condition you have agreed to.

In the past, Mr. Waldera and I have been a little less formal and documented these kinds of withdrawals via an email string. So, I guess the next step would be for BCID to either file a withdrawal document or send all of us an email with the conditions of their withdrawal and I can use that email string to document the withdrawal. Then we can proceed to process the application.

Nick.

From: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>

Sent: Tuesday, October 10, 2023 9:02 AM

To: James McNamara <jmcnamar@boisestate.edu>

Cc: carl@blackcanyonirrigation.com; Andy Waldera <andy@sawtoothlaw.com>; Miller, Nick <Nick.Miller@idwr.idaho.gov>

Subject: RE: Protest Acknowledgment: Application for Permit No. 65-24051

Good morning James,

Thank you for the update. I'm adding Nick Miller to this conversation to confirm the details of Black Canyon's conditional withdrawal of protest.

If all parties are satisfied with this outcome, we can move forward without scheduling a settlement conference.

Sincerely,

Lynne Evans | Administrative Assistant I

IDWR - Western Region

2735 W Airport Way, Boise ID 83705

(208) 334-2190 | lynne.evans@idwr.idaho.gov

From: James McNamara <jmcnamar@boisestate.edu>

Sent: Tuesday, October 10, 2023 7:26 AM

To: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>

Cc: carl@blackcanyonirrigation.com; Andy Waldera <andy@sawtoothlaw.com>

Subject: Re: Protest Acknowledgment: Application for Permit No. 65-24051

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Lynne,

I have reviewed the protest and agree to the request. Black Canyon Irrigation has offered to withdraw the protest if I add a phrase to My application acknowledging their senior water right.

Can you tell me my next step?

Regards,

Jim McNamara

On Wed, Sep 27, 2023 at 12:14 PM Evans, Lynne <Lynne.Evans@idwr.idaho.gov> wrote:

Dear parties:

Please see the attached letter acknowledging protests received against Application for Permit No. 65-24051.

This letter has also been sent by mail to all parties who have not requested service by email. If you would like to receive future correspondence on this matter served via email only, please reply to this message to let me know.

Regards,

Lynne Evans | Administrative Assistant I

IDWR - Western Region

2735 W Airport Way, Boise ID 83705

(208) 334-2190 | lynne.evans@idwr.idaho.gov