

Peppersack, Jeff

From: Westra, John
Sent: Thursday, February 11, 2010 11:26 AM
To: Peppersack, Jeff
Subject: FW: United Water Idaho IMAP questions [IWOV-GPDMS.FID3075]
Attachments: Transfers.docx

Jeff:
Take a look at this response, hack/add
The notes at the bottom will be removed

John

From: John M Marshall [mailto:JohnMarshall@givenspursley.com]
Sent: Tuesday, February 09, 2010 8:45 AM
To: Westra, John
Cc: Rassier, Phil; Peppersack, Jeff; Keen, Shelley
Subject: United Water Idaho IMAP questions [IWOV-GPDMS.FID3075]

John,

As a follow up to our meeting last week, there a couple of issues that have come up that we would appreciate your guidance on.

First, what does United Water need to do procedurally to remove a right from the IMAP? Simply submit a letter? Does it need to be copied to all the remaining parties? Is there any opportunity for parties to object?

Two, if United Water took water right 63-12363, the right associated with the Cassia #2 well and the subject of transfer application no. 72036, out of the IMAP to allow for the processing of transfer 72036, and that transfer was denied or otherwise did not proceed, is there a procedural mechanism that would allow the right to go back into the IMAP without the need to amend the IMAP?

Thoughts and feedback are appreciated.

Thanks,

John

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February 11, 2010

Attn: John M Marshall
Givens Pursley LLP
PO Box 2720 601 W Bannock ST
Boise ID 83701

RE: Transfer Application #72036, Right #63-12363--United Water of Idaho

Dear Mr. Marshall:

The purpose of this letter is to address your e-mail of February 09, 2010 regarding the processing of the above described transfer application.

Questions:

What does Untied Water need to do procedurally to remove a water right from the Integrated Municipal Application Package (IMAP)? Simply a letter? Does it need to be copied to parties? Is there any opportunity for parties to object?

A detailed letter notice to the Department amending the application (removing #63-12363) with copies to parties is acceptable. Specific changes to the IMAP application packet could be made later when application processing resumes. Your actions are following the directive in the Denying Motion For Declaratory Order -D. Tuthill so there would not be a formal period for parties to object. However when notified, parties may choose to object anyway. The objections would have to be addressed.

If United Water took water right #63-12363, the right associated with the Cassia #2 well and the subject of transfer application #72036 out of the IMAP to allow for the processing of transfer 72036, and that transfer was denied or otherwise did not proceed, is there a procedural mechanism that would allow the right to go back into the IMAP without the need to amend the IMAP?

The IMAP application would have to be formally amended a second time to return water right #63- 12363 to the IMAP process. The additional water right/elements may expose the application to review and re-advertisement (public notice). The current protestants would remain a part of the contested case

Should you have questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra, Manager

Notes: Water right #63-12363 License, priority 09/09/96 (Not part of the SRBA)
Application for Transfer #72036 contested by Pioneer Irrigation District