

**Luke, Tim**

---

**From:** Luke, Tim  
**Sent:** Wednesday, March 11, 2009 8:50 AM  
**To:** 'wparsons@pmt.org'  
**Cc:** Tuthill, Dave; Merritt, Allen; Yenter, Cindy  
**Subject:** RE: Blue Lakes Mitigation Meeting Follow-Up -- March 18th?

Bill,

On about March 5, 2009 I received your letter to me dated February 27, 2009 regarding the Water District 140 draft measurement order and your question about Water District 140 assessments. Your specific question was about the two years of free watermaster services from the Department and when that period began. I suggest that we spend a few minutes after the Pristine meeting next week to discuss this question with the Director present. The Department's understanding is that the original order was signed in late 2006 with the first annual meeting in April of 2007. The Department's representative was elected watermaster for 2007 and 2008 and no administrative assessments were made those two years. While we acknowledge the objections to the creation of the district and agree that an Amended Final Order Creating Water District 140 was not issued until September 4, 2008, we do not believe that the clock subsequently was re-set starting at the 2009 annual meeting. I understand this issue was debated at the annual meeting but a budget was nonetheless adopted and I believe there was an understanding that assessments would be forthcoming. I further understand that the adopted budget was actually reduced from what Cindy originally proposed.

Again, I suggest we hold a few minutes at the conclusion of the Pristine meeting next week to talk to directly with you and the SWID board about this issue and comments you may have on the water measurement draft order. See you next week.

Regards,

Tim

---

**From:** Tuthill, Dave  
**Sent:** Tuesday, March 10, 2009 3:56 PM  
**To:** Luke, Tim; Wylie, Allan; Merritt, Allen; Yenter, Cindy; 'wparsons@pmt.org'; rcb@racinelaw.net; cpetrich@spfwater.com  
**Subject:** Blue Lakes Mitigation Meeting Follow-Up -- March 18th?

All,

At the conclusion of our meeting on February 25, we determined that a follow-up meeting to review transient impacts of conversion acres and managed recharge would be helpful. We aimed for two weeks following the 25th -- which would have been March 11, but we learned that this date was not available for use of the IDFG room.

In recent days much activity has transpired regarding the Snake River Farm call. March 12 is a deadline for submittal of an alternate mitigation plan, so this week is not a good week for our follow-up meeting.

I would propose conducting this meeting at **10 am on Wednesday March 18th** (exactly 3 weeks from the time of our last meeting -- we have tentatively scheduled the IDFG meeting room). Allan Wylie has developed some transient impact information which I think will be of great interest to all of the participants.

Does this time work?

Dave

3/11/2009

WD

PARSONS, SMITH & STONE, LLP  
ATTORNEYS AT LAW  
137 WEST 13TH STREET  
P. O. BOX 910  
BURLEY, IDAHO 83318

WILLIAM A. PARSONS  
RICHARD K. SMITH  
RANDOLPH C. STONE  
LANCE A. LOVELAND  
DAVID F. SHIRLEY

TELEPHONE  
(208) 878-8382  
FAX NO.  
(208) 878-0146  
pss@pmt.org

February 27, 2009

RECEIVED  
MAR 02 2009  
DEPARTMENT OF  
WATER RESOURCES

Mr. Tim Luke  
Idaho Department of Water Resources  
Box 83720  
Boise, ID 83720-0098

**RE: Final Order Requiring Measuring in Water District 140  
Our File No.: 19198.070010**

Dear Tim:

I gave the proposed Order to the Directors, and we should get back to you in the near future.

Another issue that concerns the Board is that it was the Board's understanding that in the formation of 140 the services of the water master, and certain related expenses, were to be provided for two years. Since the final Order was not entered until last year, are not the two years running? This is of concern also because Brian Higgs has largely provided all of the information to the Department in Twin Falls through Cindy.

The Board does not want to become adversarial in this matter, as working with your Department has been top notch all the way, however, they are concerned about that matter. I thought I would write to you before we discussed the matter with Cindy.

Very truly yours,

PARSONS, SMITH & STONE, LLP



William A. Parsons

WAP/sw