



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 23, 2012

Mr. John Marshall
575 West Bannock, Suite B
Boise, ID 83702

RE: Public Records Request – Creation of Water District No. 2

Dear Mr. Marshall:

The Idaho Department of Water Resources (IDWR) has processed your request dated May 14, 2012 to inspect public records regarding the creation of Water District No. 2. IDWR has located and retrieved documents identified in your request and those documents are available for your inspection. Unless subject to the attorney-client privilege, IDWR will make all the requested documents in its possession available for your inspection anytime after May 23, 2012 during normal business hours at the IDWR State office in Boise. During the inspection you have the right to make a photocopy of any public record. IDWR has disclosed all but 6 email communications between the agency and legal counsel.

In addition to the documents made available for your inspection, you may want to review the IDWR website link relating to Swan Falls. There is a power point presentation from 1/24/2012 by Sean Vincent – one of the slides makes reference to measurement of diversions in WD02 for purposes of determining reach gains and losses and that diversions affect flow at Murphy. The link is as follows:

http://www.idwr.idaho.gov/News/Issues/SwanFalls/swan_falls_agreement.htm

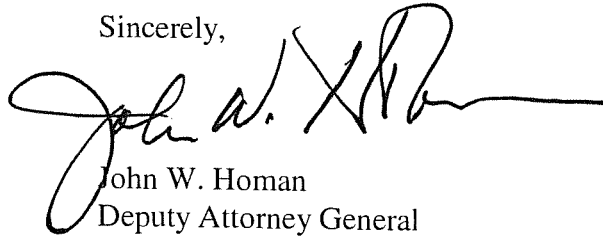
Additionally, the IDWR website link to WD02 creation is as follows:

http://www.idwr.idaho.gov/WaterManagement/WaterDistricts/Snake_Milner-SwanFalls/default.htm

When you are ready to inspect the public records, you may find it convenient to schedule an appointment with Tim Luke at 287-4959.

Please do not hesitate to contact me at the (208) 287-4812 if you have any questions or need to make further arrangements.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Homan", with a long horizontal flourish extending to the right.

John W. Homan
Deputy Attorney General
Natural Resources Division

c: Tim Luke

John Marshall Law PLLC

575 W Bannock, Suite B
Boise, ID 83702

RECEIVED
MAY 15 2012
DEPARTMENT OF
WATER RESOURCES

phone 208-991-2701
fax 208-906-8043
john@jmarshalllaw.com

May 14, 2012

Via US mail

Mr. Gary Spackman, Interim Director
Idaho Department of Water Resources, State Office
The Idaho Water Center
322 E. Front Street
Boise, Idaho 83720-0098

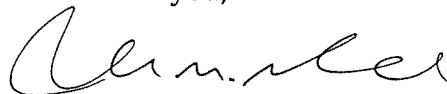
Re: Public Records Request — Water District No. 2

Dear Mr. Spackman:

This letter is a request to examine and obtain copies of public records pursuant to Idaho Code § 9-338. I hereby request all public records constituting or relating in any way to work product or communications of any sort by, among, or between IDWR employees, IDWR consultants, IDWR independent contractors, and/or third parties (i.e. any person outside IDWR) relating to any knowledge, understanding, opinion, analysis, position, or other interest in connection with the formation of Water District No. 2, Snake River from Milner Dam to the Murphy Gage Below Swan Falls Dam. This request includes all public records created, transmitted or stored electronically, including e-mails.

If IDWR believes any requested public record is exempt from disclosure, please identify and describe each public record that has been withheld and state the exemption or other reason for withholding it. Please notify me of any copying or duplication charges before such charges are incurred. Please contact me to make arrangements for examination or delivery of the requested public records or if you have any questions regarding this request.

Thank you,



John M. Marshall

cc: Garrick Baxter (via email)