

Mr. Archey: I am submitting this comment on behalf of the City of Roslyn. I submitted a comment last year highlighting the need to resolve, before the decree is entered, Roslyn's motion for relief from the post-1905 order and a pending appeal of a Roslyn water transfer that involves related issues. Because I am unable to attend the upcoming work group meeting, I appreciate the opportunity to inform you and others that my comment remains in place, despite recent positive developments.

At March Water Day, the US informed the Court that BOR had signed the MOU with Ecology to work together on an exchange contract to resolve certain post-1905 and water transfer issues. This was universally received as good news, and Commissioner Ottem deferred a hearing on Roslyn's motion and the related appeal to September. I understand that BOR and Ecology staff have already begun working on the exchange contract, and there is renewed energy and motivation to achieve the shared objective. The plan is for the exchange contract to be completed, approved, and entered before the Court entertains a motion to enter the decree. However, there are many procedural and substantive steps necessary to exchange contract completion, and they will only be in the early stages when a draft decree is submitted to the Court later this spring or summer.

Accordingly, I read with concern the statement in the minutes that -- "Listing of the 8/24/2005 Memorandum Opinion concerning Roslyn is premature and a recommendation was made that it be removed." I contend that the reverse is true, *i.e.*, that removal is premature. It is important to retain the entry so that all parties and the Court are aware of the intention to complete the exchange contract before the decree is entered. I do agree, however, that additional explanation is in order for clarity. I propose retaining the 8/24/2005 Memorandum Opinion with a notation, as follows:  
8/24/2005 Memorandum Opinion (to be removed from this list when the BOR-Ecology exchange contract has been fully executed and has taken effect).  
Thank you for the opportunity to comment in advance of the upcoming meeting.

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