

EXHIBIT 4

October 23, 2015

Kathleen L. Mazure, Esq.
Duncan, Weinberg, Genzer
& Pembroke, P.C.
1615 M St., N.W.
Suite 800
Washington, DC 20036

Re: Offer of Withdrawal of Intervention

Dear Ms. Mazure,

Per our late phone discussion yesterday, October 22, 2015, it is my understanding that your clients, the Flathead Joint Board of Control of the Flathead, Mission and Jocko Valley Irrigation Districts (“the Board”) and the Flathead, Mission and Jocko Valley Irrigation Districts (“the Districts”) (collectively referred to as “the Board/Districts”) have demanded that my clients (“twelve District Members”) withdraw their motion for leave to file an intervention in the matter of P-5-100 involving the Kerr Hydroelectric Project License Article 40(c) public hearing and settlement conference proceedings.

Following our discussion, I conferred with my clients regarding this demand. They understand the sensitivities surrounding these confidential negotiations and are willing to consider such demand, but only if the Board/Districts stipulate their agreement to the following conditions:

1. The Board/Districts provide the District Members with the final settlement position statement they developed for the 10/26 meeting as well as all subsequent settlement position papers it may develop in the future for exchange with the Tribes and filing with the settlement judge, during the entire course of these settlement conference proceedings, prior to each subsequently scheduled future meeting;
2. The Board/Districts provide the District Members with the Tribes’ final settlement position statement developed for the 10/26 meeting as well as all subsequent position papers the Tribes exchange with the Board during the entire course of these settlement conference proceedings, prior to each subsequently scheduled future meeting;
3. The Board/Districts consent to District Members’ counsel attending all settlement conference proceedings as an observer/representative at-large of the Board/Districts, for the purpose of reporting the details of each such meeting to the District Members and submitting comments to and for consideration by the Board/Districts on behalf of the District Members;
4. The Board/Districts explain to the District Members in understandable terms the legal significance of 1985 license Article 40(c)(ii) and explain why they did not include Article 40(c)(ii) issues in their draft and final negotiating position;

