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OCT 13 2004

Department of Water Resources  
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF PRELIMINARY ORDER TO )  
CEASE AND DESIST DIVISION OF WATER )  
FROM PASHIMEROI RIVER BY JIMMIE )  
DOWTON )  
\_\_\_\_\_ )

NOTICE OF  
PREHEARING  
CONFERENCE

On June 3, 2004, the Idaho Department of Water Resources (IDWR) sent Jimmie Dowton a Pending Notice of Violation regarding diversion of water to a ditch from the Pashimeroi River and requested that he identify water rights for the diversion or cease and desist further diversion of water at that location.

On June 21, 2004 the IDWR issued a Preliminary Order to Cease and Desist Diversion of Water from the Pashimeroi River on Jimmie Dowton

On July 8, 2004 the department received a letter on behalf of Jimmie Dowton, by his attorney Gordon S. Thatcher, that requested this matter be set for hearing.

On September 30, 2004, IDWR granted intervention in the contested case to B P Ranch, Inc., through its attorney of record James P. Speck.

IDWR has scheduled a prehearing conference for this matter to be held on **November 15, 2004, at 3:00 p.m.** at the Bureau of Land Management, Field Office, at 801 Blue Mountain Road, Challis, Idaho.

The conference will be held in accordance with provisions of Chapter 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR at least ten (10) days prior to the conference.

DATED this 7<sup>th</sup> day of October, 2004.

  
Gary Spackman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8<sup>th</sup> day of October, 2004, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

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RIGBY THATCHER, ANDRUS  
RIGBY & MOELLER, CHTD  
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JAMES P SPECK  
SPECK & AANESTAD  
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JIM MARTINY  
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Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau