

Memorandum

Contested Application for Permit #63-32573—M-3 Eagle

To: Gary Spackman

Cc: Debbie Gibson

From: J. Westra, Western Reg.

Date: 05/28/08

RE: Request for Appointment of Hearing Officer

The final protest date for the M-3 application was 5/19/08. The application drew 48 protests; 40 under the umbrella of the North Ada Foothills Association. I would like to request the appointment of a hearing officer for the contested application based on the following:

-An early appointment of a hearing officer is needed given the magnitude of this application (recall several earlier conversations with Administrators).

-There will shortly be a stream of legal documents coming related to the case—discovery, objections, motions, protestant representation, see attached.

-The foundation for the hearing needs to be set at the pre-hearing conference I don't anticipate there will be settlements of this case prior to a hearing given the issues.

* Please know my staff and I will gladly provide any assistance that is needed through the process.

Appreciate your consideration

Attachment: E-mail from Applicant Attorney

Westra, John

From: Jeffrey C Fereday [JeffFereday@givenspursley.com]
Sent: Wednesday, May 28, 2008 2:28 PM
To: Westra, John
Cc: 'David Head'; 'head@firstsourceidaho.com'; 'wallywanch@qwest.com'; 'William Brownlee'; 'Gerry Robbins'; 'Ed Squires'
Subject: Water Right App No. 63-32573

John:

On behalf of M3 Eagle, I have a few procedural questions concerning the schedule of proceedings for water right application no . 63-32573.

1. Schedule for appointing a hearing officer?
2. Pre-hearing conference/settlement discussions? M3 Eagle is ready to have the conference at the earliest opportunity, and would suggest sometime during the week of June 23 or June 30, 2008. We presume it should be held in Eagle.
3. Protestants' addresses? In preparing our service list in this matter, we note that a number of the Protestants did not list their addresses on their protest form. At this point, I hope I am correct in assuming the Department will put together the full address list for the parties to use.
4. Protestant representation? Nearly all of the Protestants have listed David Head as their representative and provided his email as their service mailing location, so I am copying him on this email even though I am not sure he is a lawyer. I am assuming the Department will be following up on the question of representation. I'm also either emailing, or U.S. Mailing (where no email given), a copy of this to those Protestants who have not listed a representative.

Thanks for your attention to this.

Jeffrey C. Fereday
Attorney at Law
GIVENS PURSLEY LLP
601 W. Bannock St.
Boise, ID 83702
Phone: (208) 388-1200
Direct Dial: (208) 388-1217
Facsimile: (208) 388-1300
E-Mail: JeffFereday@givenspursley.com
www.givenspursley.com

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