

Gibson, Deborah

Subject: FW: Applications for Permit Nos. 37-22682 & 37-22852

From: Weaver, Mathew

Sent: Tuesday, May 12, 2015 10:09 AM

To: Paul Arrington; Dave Tuthill; Megargle, Doug; Peter Anderson; Travis Thompson; Lawrence Schoen; Marie Kellner; John Simpson; Kevin Lewis; Steve Beevers; Chuck Sr. Brockway; Craig Hobdey; Michael Creamer; Christopher Meyer; Chuck Jr. Brockway; bcc@co.blaine.id.us; bhurlbutt@advocateswest.org; Maline, Denise; pferwin@q.com; Price, Fredric; Baxter, Garrick; Harriet Hensley; Jessica Witt; Sun Country Property Management Laura Or John; Steve Spencer; Walt Poole; Burkhalter, W. Dallas; Jon Marvel; Travis Bruner; Jim Speck; Mark Davidson; Keri York; Patti Lousen; Barry Bevers; Gerald Flaherty; Erick Powell; mpl@givenspursley.com; PeterT@thomas-mack.com; thebrokerage@cox.net; hrinker@rinkercompany.com; hrhagey@gmail.com; peter@petersturdivant.com; Jessica Nielsen; Barker, Albert (IWRB Member); Scott Campbell; seb@msbtlaw.com; Merritt, Allen; Jessica Nielsen

Cc: Gibson, Deborah; Blades, Emmi; Merritt, Allen

Subject: RE: Applications for Permit Nos. 37-22682 & 37-22852

Parties,

I am in receipt of the following documents in relation to the Motion for Summary Judgment filed by the Lower Snake River Aquifer Recharge District and the Thomas M. O’Gara Family Trust dated April 16, 2015.

- Motion for Summary Judgment – April 16, 2015
- Memorandum in Support of Motion for Summary Judgment – April 16, 2015
- Affidavit of Amy L. Runser – April 16, 2015
- Affidavit of Paul L. Arrington – April 16, 2015
- Applicant’s Response to Motion for Summary of Judgment – April 30, 2015
- Reply in Support of Motion for Summary Judgment – May 5, 2105
- Applicant’s Response to Reply in Support of Motion for Summary Judgment – May 8, 2015

Rule 565 (Procedure on Prehearing Motions) of the Rules of Procedure of the Idaho Department of Water Resources (IDAPA 37.01.01) states the following:

The presiding officer may consider and decide prehearing motions with or without oral argument or hearing. Unless otherwise provided by the presiding officer upon a showing of good cause by a party, when a motion has been filed, all parties joining in, answering to or responding to the motion(s) will have fourteen (14) days from the time of filing of the motion in which to respond.

Consistent with Rule 565 the time frame in which to respond to the motion has passed. It is my intent as the presiding officer to rule on the outstanding Motion for Summary judgment without oral argument or hearing. I am working on a decision now and hope to have it out as quickly as possible. Until my decision is issued parties should continue to proceed to hearing as described in my March 13, 2015 Scheduling Order and Notice of Hearing. My March 13 Scheduling Order can be reviewed at the following link:

http://idwr.idaho.gov/files/legal/IMS/IMS_20150313_Scheduling_Order_and_Notice_of_Hearing.pdf

No hard copy of this correspondence will be mailed.

Thank you for your attention in this matter.

Mathew Weaver, PE
Deputy Director
Idaho Department of Water Resources
www.idwr.idaho.gov
(208) 287-4800