



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 25, 2011

Mr. Bruce Smith
950 West Bannock Street Suite 520
Boise, ID 83702

VIA
U.S. MAIL

RE: Public Records Request – on behalf of the City of Eagle

Dear Mr. Smith:

The Idaho Department of Water Resources (IDWR or Department) received your letter dated August 23, 2011 requesting certain information pertaining to a report to be presented as evidence in a contested case currently before the agency. Your letter requests public records relating to documents and communications among and between certain IDWR employees and others relating to the City of Eagle RAFN Report which will be entered into evidence in the contested case *"IN THE MATTER OF APPLICATION FO PERMIT NO. 63-32573 IN THE NAME OF M3 EAGLE LLC ASSIGNED TO THE CITY OF EAGLE"*

Your request is denied for the following reason. Idaho Code § 9-343 provides that Idaho Code §§ 9-335 through 9-348 are not available "to supplement, augment, substitute or supplant discovery procedures in any federal, civil or administrative proceedings. Because your firm represents City of Eagle, who is now a party in the administrative matter before the Department and the materials you requested are subject to the discovery procedures in that administrative proceeding, you must make any request for documents within that proceeding consistent with any established discovery order and to ensure notice to all parties.

Please do not hesitate to contact me at the (208) 287-4812 should you have any questions.

Sincerely

A handwritten signature in black ink, appearing to read "John W. Homan".

John W. Homan
Deputy Attorney General
Natural Resources Division

c. Gary Spackman
[Parties]