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DEPARTMENT OF
WATER RESOURCES

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Attorney for City of Eagle

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 63-32573 IN THE NAME OF) **CITY OF EAGLE'S OBJECTION**
M3 EAGLE LLC ASSIGNED TO THE CITY OF) **TO PRE-HEARING ORDER AS**
EAGLE) **TO THE DISCLOSURE OF**
) **WITNESSES**

COMES NOW the City of Eagle, by and through its counsel of record, Susan E. Buxton of the firm Moore Smith Buxton & Turcke, Chtd. and objects to the Idaho Department of Water Resources' Pre-Hearing Order dated September 8, 2011.

The City is not able to comply with the date of September 9, 2011 for the disclosure of witnesses as set out in the Pre-Hearing Order. As, Bruce M. Smith, the primary attorney in this matter, stated during the September 2, 2011 prehearing conference, he is out of the country until September 19, 2011, and could not disclose witnesses until after he returns. The City remains willing to cooperate as much as possible, however, it will not be able to formally disclose witnesses until after Mr. Smith's return to the country. In the interim, the City discloses that it may call the following individuals as witnesses in this matter, but as described by Mr. Smith during the prehearing conference, based on the discovery and depositions between now and the

**CITY OF EAGLE'S OBJECTION TO PRE-HEARING ORDER
AS TO THE DISCLOSURE OF WITNESSES - 1**

ORIGINAL

hearing, these witness as disclosed may be changed. In the interim, without waiving our objection to this order, we submit the following people as possible witnesses:

Nichoel Baird Spencer, City of Eagle, 660 E. Civic Ln., Eagle, Idaho 83616, 939-6813

Michael Echeita, City of Eagle, 660 E. Civic Ln., Eagle, Idaho 83616, 939-6813

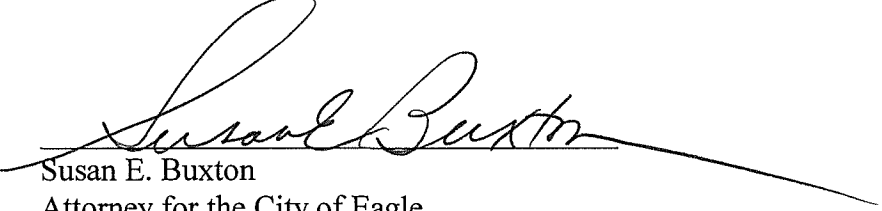
Kasey Ketterling, City of Eagle, 660 E. Civic Ln., Eagle, Idaho 83616, 642-3304

Vern Brewer, Holladay Engineering, 32 N. Main Street, Payette, ID 83661, 642-3304

Witnesses for the City will be called to explain the RAFN information.

DATED this 9th day of September, 2011.

MOORE SMITH BUXTON & TURCKE, CHTD.


Susan E. Buxton
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of September, 2011, I caused to be served a true and correct copy of the foregoing OBJECTION via prepaid, U.S. Mail, to the following:

Jeffrey C. Fereday
GIVENS PURSLEY LLP
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Boise ID 83701

via U.S. Mail
 via Facsimile
 via Overnight Delivery
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 via Email jeffereday@givenspursley.com

John Thornton
NORTH ADA COUNTY GROUNDWATER
USERS ASSN.
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Eagle ID 83616

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 via Email cjthornton6@msn.com

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 via Overnight Delivery
 via Hand Delivery

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USERS ASSN
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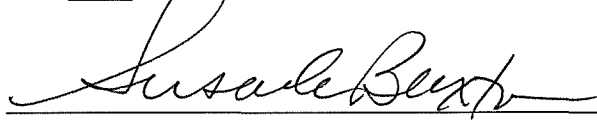
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SUSAN E. BUXTON