

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

IN THE MATTER OF APPLICATION	)	<b>ORDER LIMITING</b>
FOR PERMIT NO. 63-32573, IN THE	)	<b>PRESENTATION OF</b>
NAME OF M3 EAGLE ASSIGNED	)	<b>EVIDENCE AT</b>
TO THE CITY OF EAGLE <sup>1</sup>	)	<b>SUPPLEMENTAL HEARING</b>
_____	)	

M3 Eagle filed an objection to the protestants' list of witnesses and filed a motion in limine to exclude protestants' proposed witnesses from testifying at the hearing.

It would be improper for John Homan or Garrick Baxter, deputy attorneys general, to testify at this hearing. Gary Spackman is the hearing officer, and should also not testify.

The remaining persons on the witness list appear to be lay witnesses, not having specific expertise to testify about a planning horizon, population projections, and about the quantity of water to satisfy the need of the future growth. These witnesses may have some observed knowledge in this area and should be allowed to testify within the limited scope of the hearing.

**ORDER**

IT IS HEREBY ORDERED that John Homan, Garrick Baxter, and Gary Spackman shall not testify at the hearing.

IT IS FURTHER ORDERED that the persons identified in the protestants' witness list may testify at the hearing within the limited scope of evidence.

IT IS FURTHER ORDERED that the scope of evidence shall be limited to the following:

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<sup>1</sup> The original caption was changed to reflect that an assignment of water right application and permit no. 63-32573 to the City of Eagle was filed with IDWR on June 13, 2011.

1. Evidence establishing that the M3 Eagle Project has been annexed by the City of Eagle.
2. Evidence related to the City of Eagle's planning horizon and reasonable anticipated future municipal needs for the City of Eagle's service area, including the M3 Eagle Project, based on the City of Eagle's current water rights portfolio and planning information.
3. Information on the quantity of water appropriated for permit 63-32573 appurtenant to the M3 Project in relationship to the water needs of the City's service area.

DATED this 3<sup>rd</sup> day of October, 2011.

  
GARY SPACKMAN  
Interim Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of October, 2011, a true and correct copy of the document described below 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:

Document Served: **Order Limiting Presentation of Evidence at Supplemental Hearing**

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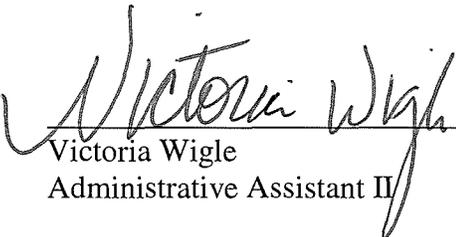
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