

APR 02 2009

DEPARTMENT OF
WATER RESOURCES

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 63-32573 IN THE
NAME OF M3 EAGLE LLC

**NACGUA's QUESTIONS REGARDING
PREPARATION FOR UPCOMMING
WATER RIGHTS HEARING**

To Hearing Officer, Mr. Gary Spackman,

NACGUA request the Hearing Officer provide answers to the following questions that pertain to NACGUA's preparation of the upcoming hearing. NACGUA believes that answers to these questions will facilitate and benefit all parties involved in the upcoming hearing. An expedient answer to question number 1, in NACGUA's opinion, would be very beneficial to the all parties serving copies of documents to the other parties that may be used as exhibits at the hearing (reference the Hearing Officer's March 27, 2009 Order Scheduling Exchange of Information).

The following questions are provided with some background information to assist in better clarifying the questions.

1. Can the Hearing Officer provide pre-numbered "core documents" that all parties involved are very likely to be using?

Background: There are several "core" documents (most relatively large in number of pages) that all parties have been using and referring to over the past several weeks and months (identified during previous discovery requests or located on the website of the North Ada County Technical Working Group). Examples of these documents include, but are not limited to: the IDWR Staff Report with attachments; several of the large technical documents provided by M3/Hydrologic LLC; Treasure Valley Hydrologic Report; Dr. Dale Ralston's technical reviews of Hydrologic LLC's reports etc. By the Hearing Officer pre-numbering these documents (that may currently be part of the record) would reduce the waste, redundancy, and expense of making literally thousands of pages that are already in the hands of all parties. An additional benefit would be to avoid these core documents being assigned different numbers the parties individual numbering systems.

2. As of March 31st, 2009 what constitutes the "official record" and can this be reviewed by the parties?

3. What is your plan for the Order of Hearing? Which party is to provide testimony first, second etc.? What are the start and stop times for each day?

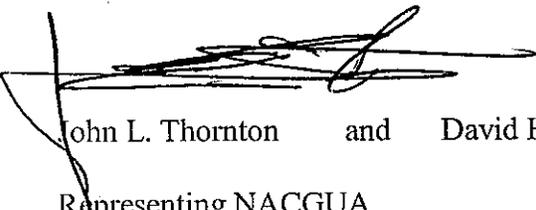
4. What is the best process to pre-inform potential witnesses as to the date and time of their testimony? Is there a predetermined allotment of time or date for each party to provide their witness testimony?

Background: Some witnesses are from out of town and or have other full time employment or obligations. The hearing is fragmented over a three week period with numerous parties. This obviously complicates scheduling of witnesses.

5. Will the IDWR Staff involved in the Staff Review Report, have a predetermined place during the hearing process to provide their separate testimony based on their report or do they need to be identified as potential witnesses?

6. What constitutes the appropriate form (paper copy, electronic such as CD, others?) a document needs to be in to be officially served to the other parties?

We appreciate your reply and attention to these questions,



John L. Thornton and David Head

Representing NACGUA

Certificate of Service

I HEREBY CERTIFY that on this 1st day of April, 2009, a true and correct 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:

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PREPARATION FOR UPCOMMING
WATER RIGHTS HEARING**

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