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DEPARTMENT OF  
WATER RESOURCES

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**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 M3 EAGLE LLC

**M3 EAGLE'S MOTION TO DESIGNATE  
OFFICIAL HEARING TRANSCRIPT AND  
NOTICE OF LODGING OF TRANSCRIPT**

Applicant M3 Eagle LLC ("M3 Eagle"), through Jeffrey C. Fereday and Michael P. Lawrence of the firm Givens Pursley LLP, and pursuant to IDAPA 37.01.01.650.02.d ("Rule 650) and .651 ("Rule 651"), hereby provides notice of its lodging of the hearing transcript prepared by M&M Court Reporting Service, Inc. ("M&M") and requests the Hearing Officer designate it the official transcript of the hearing.

Rule 650 provides that "[t]he record for a contested case shall include . . . [a]ll evidence received or considered (including all transcripts or recordings of hearings and all exhibits offered or identified at hearing)." At M3 Eagle's expense, a certified court reporter from M&M recorded all the testimony at the hearing in this matter and prepared a transcript. Under Rule 650, M&M's transcript is part of the record in this contested case.

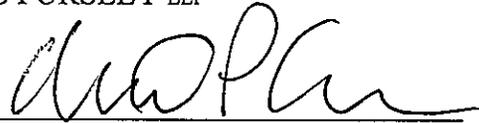
Furthermore, Rule 651 provides that “[a]ny party may have a transcript prepared at its own expense. If the transcript prepared at the expense of a party is deemed by the presiding officer to be the official transcript of the hearing, the party shall furnish the agency a transcript without charge.” M3 Eagle respectfully requests that the Hearing Officer deem M&M’s transcript as the official transcript of the hearing in this matter. M3 Eagle is providing a copy of the transcript to the Hearing Officer at M3 Eagle’s expense. Other parties may make arrangements with M&M to obtain their own copies.

DATED this 21st day of August, 2009.

Respectfully submitted,

GIVENS PURSLEY LLP

By



Jeffrey C. Fereday  
Michael P. Lawrence

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of August, 2009, the foregoing was filed, served, or copied as follows:

FILED

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