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DEPARTMENT OF
WATER RESOURCES

Jeffrey C. Fereday [ISB No. 2719]
Michael P. Lawrence [ISB No. 7288]
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Attorneys for M3 Eagle LLC

**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, ASSIGNED
TO THE CITY OF EAGLE

**NOTICE OF CANCELLATION OF
DEPOSITION OF JASON SMITH**

PLEASE TAKE NOTICE that the deposition duces tecum of **JASON SMITH** scheduled to commence on **October 11, 2011, at 9 a.m.**, is hereby CANCELLED, for the reason that Protestants Alan Smith and Eagle Pines Water Users Association notified the parties by email on October 7, 2011 that Jason Smith will not be called as a witness at the October 18-20 hearing. A copy of Protestants' October 7 email notification is attached hereto.

DATED this 10th day of October, 2011.

Respectfully submitted,
GIVENS PURSLEY LLP

By



Jeffrey C. Fereday
Michael P. Lawrence

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of October, 2011, the foregoing was filed, served, or copied as follows:

ORIGINAL SERVED

Jason Smith
3135 N. Osprey Road
Eagle, ID 83616

U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

SERVICE

Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

City of Eagle
Bruce M. Smith
Moore, Smith, Buxton & Turcke, Chtd.
950 W. Bannock Street, Suite 520
Boise, ID 83702

U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

North Ada County Groundwater Users Association
c/o David Head
855 Stillwell Drive
Eagle, ID 83616

U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

North Ada County Groundwater Users Association
c/o John Thornton
5264 N. Sky High Lane
Eagle, ID 83616

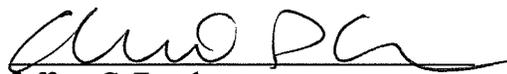
U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

Norman Edwards
884 W. Beacon Light Road
Eagle, ID 83616

U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

Alan Smith
3135 N. Osprey Road
Eagle, ID 83616

U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail



Jeffrey C. Fereday
Michael P. Lawrence

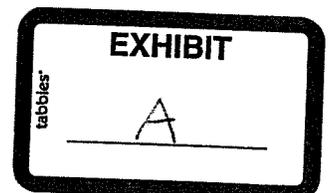
Michael P. Lawrence

From: Peggy Smith [mishibiji@msn.com]
Sent: Friday, October 07, 2011 1:40 PM
To: bms@msbtlaw.com; garrick.baxter@idwr.idaho.gov; john.homan@idwr.idaho.gov; head@firstsourceidaho.com; nmedwards@q.com; Jeffrey C Fereday; Michael P. Lawrence
Subject: Change of Witness and Notice to Cancel Deposition
Attachments: CancelDeposition.docx

Please find attached the Notice of Change of Witness and Notice to Cancel Deposition.

Alan Smith
Protestant
Eagle Pines Water Users Association

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L. Alan Smith
Eagle Pines Water Users Association
3135 Osprey
Eagle, Idaho 83616
Telephone: 208/939-6575
Protestant

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

IN THE MATTER OF APPLICATION FOR PERMIT)
NO. 63-32576 IN THE NAME OF M3 EAGLE, LLC)
ASSIGNED TO THE CITY OF EAGLE,)
_____)
)

NOTICE OF CHANGE OF
WITNESS AND NOTICE TO
CANCEL DEPOSITION

The Protestants will not call Jason Smith as a witness at the October 18 – 20 Remand Hearing and the Deposition now scheduled for October 11 at 9:00 a.m. can and should be cancelled.

Dated this 7th day of October, 2011.

Alan Smith, Protestant,
Eagle Pines Water Users Association

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of October, 2011, a true and correct copy of the foregoing Notice of Change of Witness and Notice to Cancel Deposition was served on the following parties as set forth below:

NOTICE OF SERVICE AND DISCOVERY

North Ada County Groundwater Users Association
John Thornton / David Head
5264 N Sky High Lane
Eagle, ID 83616

U.S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 Email

Norman Edwards
884 W Beacon Light Road
Eagle, ID 83616

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601 West Bannock Street
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Boise, ID 83701-2720

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Gary Spackman, Hearing Officer
State of Idaho
Department of Water Resources
322 E Front Street
Boise, Idaho

U.S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 Email

Garrick L. Baxter and John W. Homan
Deputy Attorneys General, IDWR
P.O. Box 83720
Boise, Idaho 83720-0098

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 Hand Delivered
 Overnight Mail
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950 W Bannock, Suite 520
Boise, Idaho 83702

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 Email