

Gibson, Deborah

Subject: FW: Applications for Permit Nos. 37-22682 & 37-22852

From: Weaver, Mathew
Sent: Friday, May 15, 2015 4:48 PM
To: Lawrence Schoen
Cc: Weaver, Mathew; Paul Arrington; Dave Tuthill; Megargle, Doug; Peter Anderson; Travis Thompson; Lawrence Schoen; Marie Kellner; John Simpson; Kevin Lewis; Steve Beevers; Chuck Sr. Brockway; Craig Hobdey; Michael Creamer; Gibson, Deborah; Blades, Emmi; Merritt, Allen
Subject: RE: Applications for Permit Nos. 37-22682 & 37-22852

Mr. Schoen,

I will be present in Hailey for the June 8-12 hearing. In addition, the evening of June 9 I will be hosting a public meeting starting at 5 pm at the Community Campus Theatre. The purpose of the public meeting is to provide an opportunity for the public (non-party members) to offer testimony regarding this contested case proceeding surrounding applications for permit nos. 37-22682 and 37-22852.

As an intervenor, Blaine County Commissioners is a party to this contested case proceeding. See IDAPA 37.01.01.150. Subject to Rules 558, 560, and 600, all parties may appear at the hearing, introduce evidence, examine witnesses, make and argue motions, state positions, and otherwise fully participate. See IDAPA 37.01.01.157. For more information regarding hearing procedure, please consult the Department's Rules of Procedure, IDAPA 37.01.01, which can be found at <http://adminrules.idaho.gov/rules/current/37/0101.pdf>.

Please keep in mind a prehearing conference has been scheduled for May 28. Refer to my Scheduling Order and Notice of Hearing dated March 13, 2015. ([http://idwr.idaho.gov/News/Issues/Innovative Mitigation Solutions/](http://idwr.idaho.gov/News/Issues/Innovative_Mitigation_Solutions/)) The prehearing conference will provide an opportunity for further discussion and questions. I have not yet sent out a notice regarding the time and location of the prehearing conference, but I plan to get a prehearing notice out next week.

Thank you for your inquiry and have a good weekend,

Mathew Weaver, PE
Deputy Director
Idaho Department of Water Resources
www.idwr.idaho.gov
(208) 287-4800

From: Lawrence Schoen [<mailto:lschoen@co.blaine.id.us>]
Sent: Tuesday, May 12, 2015 4:49 PM
To: Weaver, Mathew
Cc: Gibson, Deborah; Blades, Emmi; Merritt, Allen
Subject: RE: Applications for Permit Nos. 37-22682 & 37-22852

Mr. Weaver--

Thank you for this important information and update.

As to the conduct of the June 8-12 hearing, will you or a surrogate(s) be present in Hailey all day, every day that week? Is the purpose of the hearing simply for you to accept comment, or will there be times set aside for discussions as have taken place in the pre-hearing teleconferences? As an intervenor,

should Blaine County submit its comment in person at the hearing, by mail to all parties, or at the public hearing Tuesday June 9 (or all these)?

With thanks and
Regards,
Larry Schoen

Lawrence Schoen
Blaine County Commissioner
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Web: www.blainecounty.org

From: Weaver, Mathew [<mailto:Mathew.Weaver@idwr.idaho.gov>]

Sent: Tuesday, May 12, 2015 10:09 AM

To: Paul Arrington; Dave Tuthill; Megargle,Doug; Peter Anderson; Travis Thompson; Lawrence Schoen; Marie Kellner; John Simpson; Kevin Lewis; Steve Beevers; Chuck Sr. Brockway; Craig Hobdey; Michael Creamer; Christopher Meyer; Chuck Jr. Brockway; Commissioners Assistant; <bhurlbutt@advocateswest.org>; Maline, Denise; pferwin@q.com; Price, Fredric; Baxter, Garrick; Harriet Hensley; Jessica Witt; Sun Country Property Management Laura Or John; Steve Spencer; Walt Poole; Burkhalter,W. Dallas; Jon Marvel; Travis Bruner; Jim Speck; Mark Davidson; Keri York; Patti Lousen; Barry Bevers; Gerald Flaherty; Erick Powell; mpl@givenspursley.com; PeterT@thomas-mack.com; thebrokerage@cox.net; hrinker@rinkercompany.com; hrehagey@gmail.com; peter@petersturdivant.com; Jessica Nielsen; Barker, Albert (IWRB Member); Scott Campbell; seb@msbtlaw.com; Merritt, Allen; Jessica Nielsen

Cc: Gibson, Deborah; Blades, Emmi; Merritt, Allen

Subject: RE: Applications for Permit Nos. 37-22682 & 37-22852

Parties,

I am in receipt of the following documents in relation to the Motion for Summary Judgment filed by the Lower Snake River Aquifer Recharge District and the Thomas M. O’Gara Family Trust dated April 16, 2015.

- Motion for Summary Judgment – April 16, 2015
- Memorandum in Support of Motion for Summary Judgment – April 16, 2015
- Affidavit of Amy L. Runser – April 16, 2015
- Affidavit of Paul L. Arrington – April 16, 2015
- Applicant’s Response to Motion for Summary of Judgment – April 30, 2015
- Reply in Support of Motion for Summary Judgment – May 5, 2105
- Applicant’s Response to Reply in Support of Motion for Summary Judgment – May 8, 2015

Rule 565 (Procedure on Prehearing Motions) of the Rules of Procedure of the Idaho Department of Water Resources (IDAPA 37.01.01) states the following:

The presiding officer may consider and decide prehearing motions with or without oral argument or hearing. Unless otherwise provided by the presiding officer upon a showing of good cause by a party, when a motion has been filed, all parties joining in, answering to or responding to the motion(s) will have fourteen (14) days from the time of filing of the motion in which to respond.

Consistent with Rule 565 the time frame is which to respond to the motion has passed. It is my intent as the presiding officer to rule on the outstanding Motion for Summary judgment without oral argument or hearing. I am working on a decision now and hope to have it out as quickly as possible. Until my decision is issued

parties should continue to proceed to hearing as described in my March 13, 2015 Scheduling Order and Notice of Hearing. My March 13 Scheduling Order can be reviewed at the following link:

http://idwr.idaho.gov/files/legal/IMS/IMS_20150313_Scheduling_Order_and_Notice_of_Hearing.pdf

No hard copy of this correspondence will be mailed.

Thank you for your attention in this matter.

Mathew Weaver, PE
Deputy Director
Idaho Department of Water Resources
www.idwr.idaho.gov
(208) 287-4800