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AUG 18 2011

DEPARTMENT OF
WATER RESOURCES

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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

**MOTION FOR SUBPOENAS DUCES
TECUM TO MAT WEAVER AND DON
READING**

Applicant M3 Eagle LLC, by and through its attorneys of record, hereby move the Idaho Department of Water Resources to issue subpoenas *duces tecum* commanding IDWR employee Mat Weaver and consultant Don Reading to appear for depositions at the IDWR office at 322 East Front Street, Boise, Idaho on **September 8, 2011, at 9:00 a.m. and 2:00 p.m.**, respectively, to provide testimony, under oath, concerning their evaluation of population projections and water needs entitled *RAFN Evaluation for the City of Eagle in Connection with Application for Permit 63-32573* (“RAFN Evaluation”), and to bring with them all documents examined, analyzed, relied upon, incorporated or used in connection with the RAFN Evaluation, in addition to all documents reviewed by them in preparing for said depositions. The depositions shall continue until completed.

This motion is made in connection with the August 16, 2011 letter sent to the parties by John Homan, Deputy Attorney General, wherein he stated that the Department intends to tentatively make Mr. Weaver and Mr. Reading available “[a]s a convenience for parties wishing to take the

deposition of the Department witnesses,” a copy of which is attached to this motion. M3 Eagle requests the hearing officer issue subpoenas for the tentatively scheduled depositions at or before the September 2 Prehearing Conference.

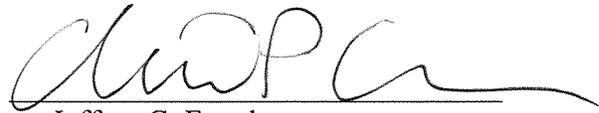
Copies of proposed subpoenas *duces tecum* are attached hereto.

DATED this 18th day of August, 2011.

Respectfully submitted,

GIVENS PURSLEY LLP

By



Jeffrey C. Fereday

Michael P. Lawrence

Attorneys for M3 Eagle LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th of August, 2011, the foregoing was filed, served, or copied as follows:

FILED

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

SERVICE

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

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 Overnight Mail
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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

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

U. S. Mail
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Alan Smith
3135 N. Osprey Road
Eagle, ID 83616

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Michael P. Lawrence



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Givens Pursley, LLP

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

August 16, 2011

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Users Assn.
855 Stillwell Drive
Eagle, Idaho 83616

John Thornton
North Ada County Groundwater
Users Assn.
5264 North Sky High Lane
Eagle Idaho 83616

Alan Smith
Eagle Pines Water Users Assn.
3135 Osprey Road
Eagle, Idaho 83616

RE: Notice of Deposition Opportunity – M3 Eagle/City of Eagle application no. 63-32573

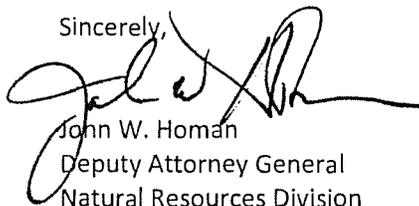
Dear Parties:

On August 2, 2011 the Hearing Officer issued an order entitled *Notice of Hearing, Prehearing Conference and Scheduling Order* In the Matter of Application for Permit no. 63-32573 in the Name of M3 Eagle Assigned to the City of Eagle in which two Department witnesses were designated to testify in the upcoming hearing on October 18 through October 20, 2011. As a convenience for parties wishing to take the deposition of the Department witnesses, the Department intends to tentatively make available Mat Weaver on September 8, 2011 at 9:00 and Don Reading September 8, 2011 at 2:00 pm. The hearing officer is presently unavailable until August 29, 2011 and unable to issue an order or subpoenas for the witnesses. Given the extended delay and the limited time before the hearing, this email is intended to provide reasonable notice of the deposition opportunity to all parties. Upon his return the

August 16, 2011
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hearing officer will hold the Prehearing Conference on September 2, 2011 and at that time he may elect to revisit the availability of the witnesses and the date and time for the depositions.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Homan", written over the typed name and title.

John W. Homan
Deputy Attorney General
Natural Resources Division

cc. Official Water Right File
Parties of Record

**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

**SUBPOENA DUCES TECUM – MAT
WEAVER**

THE STATE OF IDAHO TO:

MAT WEAVER

YOU ARE HEREBY COMMANDED to appear and attend a deposition before M & M Court Reporting Service, Inc., a notary public for the State of Idaho, at the IDWR office at 322 East Front Street, Boise, Idaho on **September 8, 2011, at 9:00 a.m.**, Mountain Standard Time, to provide testimony, under oath, concerning your evaluation of population projections and water needs entitled *RAFN Evaluation for the City of Eagle in Connection with Application for Permit 63-32573* (“RAFN Evaluation”), and to bring with you all documents examined, analyzed, relied upon, incorporated or utilized by you in connection with the RAFN Evaluation, in addition to all documents reviewed by you in preparing for said deposition. The deposition shall continue until completed.

DATED this ____ day of August, 2011.

GARY SPACKMAN, Interim Director,
Idaho Department of Water Resources

**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

**SUBPOENA DUCES TECUM – DON
READING**

THE STATE OF IDAHO TO:

DON READING

YOU ARE HEREBY COMMANDED to appear and attend a deposition before M & M Court Reporting Service, Inc., a notary public for the State of Idaho, at the IDWR office at 322 East Front Street, Boise, Idaho on **September 8, 2011, at 2:00 p.m.**, Mountain Standard Time, to provide testimony, under oath, concerning your evaluation of population projections and water needs entitled *RAFN Evaluation for the City of Eagle in Connection with Application for Permit 63-32573* (“RAFN Evaluation”), and to bring with you all documents examined, analyzed, relied upon, incorporated or utilized by you in connection with the RAFN Evaluation, in addition to all documents reviewed by you in preparing for said deposition. The deposition shall continue until completed.

DATED this ____ day of August, 2011.

GARY SPACKMAN, Interim Director,
Idaho Department of Water Resources