

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

IN THE MATTER OF APPLICATIONS TO)	NOTICE OF
APPROPRIATE WATER NO. 63-32573)	HEARING TO
IN THE NAME OF THE M-3 EAGLE, LLC)	PUBLIC WITNESSES
_____)	

PLEASE TAKE NOTICE that the ongoing hearing for the M-3 Eagle contested case will be resumed on **June 23, 2009, beginning at 9:00 a.m.** at the offices of the Idaho Department of Water Resources (“Department”), located at 322 East Front Street, 6th Floor Conference Rooms, Boise, Idaho. The presiding officer at the hearing will be Gary Spackman. Attached is a previously issued notice of hearing sent to the participating parties scheduling June 23, 2009 and three other days in July for presentation of additional evidence.

Many persons who originally protested the M-3 Eagle application designated a spokesperson for presentation of evidence at the hearing. The hearing officer ordered that protestants who designated a spokesperson could participate in the hearing as public witnesses. Public witnesses can attend the hearing and present their own testimony and evidence.

On June 23, 2009, beginning at approximately 1:00 pm in the afternoon, you may appear and testify at the hearing. Again, the hearing will be conducted at the offices of the Idaho Department of Water Resources (“Department”), located at 322 East Front Street, 6th Floor Conference Rooms, Boise, Idaho. You may park your vehicle in the parking garages that underlies the Department offices. There is a fee for parking. Enter the parking area on South Avenue A, which is located on the east side of the Winco parking lot.

Witnesses should present facts about which they are personally acquainted. The testimony must be limited to the factors listed on the attachment to this document. Testimony of opposition to or support of the project without a presentation of facts supporting the statement will be considered repetitive, cumulative testimony. Because of the filing of a protest, the hearing officer is already aware of the opposition, and is interested in facts supporting the position of the witness. The hearing officer will limit the presentation of bare statements of cumulative opposition or support.

After assessing the number of public witnesses that appear, the hearing officer may establish a time limit for presentation by each public witness.

If you plan to offer exhibits for the record at the hearing, note that Rule 606 of the department's Rules of Procedure requires that a copy be provided to each party and to the presiding officer.

The hearing will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the department. IDAPA 37.01.01. A copy of the rules may be obtained from the department upon request.

The hearing will be conducted in accordance with the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department no later than five (5) days prior to the hearing. Inquires about scheduling, hearing facilities, etc., should be directed to

Deborah Gibson, Administrative Assistant, Idaho Department of Water Resources, P.O. Box
83720, Boise, Idaho 83720-0098, telephone: (208) 287-4942, fax: (208) 287-6700.

Dated this 11th day of June, 2009

A handwritten signature in cursive script, reading "Gary Spackman", written over a horizontal line.

Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of June, 2009, a true and correct copy 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:

Document(s) Served: NOTICE OF HEARING TO PUBLIC WITNESSES

LINDA D BURKE 256 BEACON LIGHT EAGLE ID 83616	JOHN & JANET FRANDEN C/O DAVID HEAD 855 STILLWELL DR EAGLE ID 83616	CRAIG & SALLY TARBET 3852 W PINE CREEK MERIDIAN ID 83642
SHERRI RANDALL 278 E BACON LIGHT EAGLE ID 83616	CHARLES WATKINS C/O DAVID HEAD 855 STILLWELL DR EAGLE ID 83616	ROBERT H & ALASYA WEST 5035 WILLOW CK RD EAGLE ID 83616
STEPHEN & KATHY DICK 3675 N SADDLEMAN PL EAGLE ID 83616	LYLE & KAREN JORDAN 3417 N CROFT WAY EAGLE ID 83616	RONALD RAPP 3951 W DEERFIELD DR EAGLE ID 83616
BRUCE & JEAN RICHARDSON 3171 W DEERFIELD CT EAGLE ID 83616	BARRETT & TRISHA JONES C/O DAVID HEAD 855 STILLWELL DR EAGLE ID 83616	BRUCE & REBECCA VANCAMP 3800 N CROFT WAY EAGLE ID 83616
LORING & JULIE EVANS 3900 N CROFT WAY EAGLE ID 83616	THOMAS & ANN RITTER C/O DAVID HEAD 855 STILLWELL DR EAGLE ID 83616	RICARHD & DR DESSA LAGERSTROM C/O DAVID HEAD 855 STILLWELL DR EAGLE ID 83616
LORN H ADKINS C/O DAVID HEAD 855 STILLWELL DR EAGLE ID 83616	DANIEL & CHERYL GLIVAR 3426 N CROFT WAY EAGLE ID 83616	MARION & JUDY GROOTHUIS 3490 N SADDLEMAN PL EAGLE ID 83616
VINCENT IAZZETTA 4243 N CROFT PL EAGLE ID 83616	DALE & MARY GASTON 2862 W DEERFIELD CT EAGLE ID 83616	BILL TIFFANY BARB JEKEL 2862 HAVEN DR EAGLE ID 83616
VINCENT & PATRICIA MINKIEWICZ 3047 W DEERFIELD CT EAGLE ID 83616	JOHN PETROVSKY CAROL THOMPSON 4831 WILLOW CK RD EAGLE ID 83616	GEORGE W KEYES C/O DAVID HEAD 855 STILLWELL DR EAGLE ID 83616
ROBERT & JOAN LYONS 351 KNOB HILL EAGLE ID 83616	G E MCDONALD C/O DAVID HEAD 855 STILLWELL DR EAGLE ID 83616	MORGAN & JULIE MASNER C/O DAVID HEAD 855 STILLWELL DR EAGLE ID 83616
ERIC & JOYCE LEIGH C/O DAVID HEAD 855 STILLWELL DR EAGLE ID 83616	SHELBY & ANGELA CONRAD 2022 N EAGLE RD EAGLE ID 83616	ROBERT & LAVONNE NICCOLLS C/O DAVID HEAD 855 STILLWELL DR EAGLE ID 83616

JIM BANDUCCI JR C/O DAVID HEAD 855 STILLWELL DR EAGLE ID 83616	STEVEN PURVIS 3939 BROOKSIDE LN BOISE ID 83703	MICHAEL & MARTHA MC MURRAY 902 STILLWELL DR EAGLE ID 83616
DAVID COLLETT C/O DAVID HEAD 855 STILLWELL DR EAGLE ID 83616	WALTER H MEYER JR 4640 N. SKYLINE DR EAGLE ID 83616	WILLIAM LAWTON 3145 OSPREY RD EAGLE ID 83616
DAVID HEAD NORTH ADA COUNTY FOOTHILLS ASSO 855 STILLWELL DR EAGLE ID 83616		

I FURTHER CERTIFY that on this 12th day of June, 2009, a true and correct copy 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:

Document Served: (COPY) NOTICE OF HEARING TO PUBLIC WITNESSES

JEFFREY C FEREDAY
GIVENS PURSLEY LLP
601 W BANNOCK ST
PO BOX 2720
BOISE ID 83701

ALAN SMITH
3135 OSPREY RD
EAGLE ID 83616

M3 EAGLE LLC
533 E RIVERSIDE DR STE 110
EAGLE ID 83616

JOHN THORNTON
NORTH ADA COUNTY GROUNDWATER
USERS ASSO.
5264 NORTH SKY HIGH LN
EAGLE ID 83616

NORMAN L EDWARDS
884 W BEACON LIGHT RD
EAGLE ID 83616



Deborah J. Gibson
Administrative Assistant
Water Management Division

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

COPY

IN THE MATTER OF APPLICATIONS TO)	NOTICE OF
APPROPRIATE WATER NO. 63-32573)	EXTENDED
IN THE NAME OF THE M-3 EAGLE)	HEARING
_____)	

PLEASE TAKE NOTICE that the formal hearing will be extended at the parties' request which have been identified as **June 5 & 23, and July 9, 21 & 22, 2009, beginning at 9:00 a.m. at the offices of the Idaho Department of Water Resources, located at 322 East Front Street, 6th Floor Conference Rooms, Boise, Idaho.** The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record at the hearing, note that Rule 606 of the department's Rules of Procedure requires that a copy be provided to each party and to the presiding officer.

The hearing will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the department. IDAPA 37.01.01. A copy of the rules may be obtained from the department upon request.

The hearing will be conducted in accordance with the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department no later than ten (10) days prior to the hearing. Inquires about scheduling, hearing facilities, etc., should be directed to Gary Spackman, Hearing Officer, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4800, fax: (208) 287-6700.

All parties appearing in this matter will have the opportunity to present information, examine witnesses, and provide argument on issues related to the appropriation of water this application has bearing on, during the course of this hearing.

Dated this 26th day of May, 2009.

A handwritten signature in cursive script, reading "Gary Spackman", written over a horizontal line.

Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I FURTHER CERTIFY that on this 27th day of May, 2009, a true and correct copy of the document described below was served on the following by placing a copy of the same in the United States mail, certified mail with return receipts, postage prepaid and properly addressed to the following:

Document(s) Served: SECOND NOTICE OF CONTINUATION OF HEARING

JEFFREY C FEREDAY
GIVENS PURSLEY LLP
601 W BANNOCK ST
PO BOX 2720
BOISE ID 83701

M3 EAGLE LLC
533 E RIVERSIDE DR STE 110
EAGLE ID 83616

NORMAN L EDWARDS
884 W BEACON LIGHT RD
EAGLE ID 83616

ALAN SMITH
3135 OSPREY RD
EAGLE ID 83616

JOHN THORNTON
NORTH ADA COUNTY
GROUNDWATER
USERS ASSO.
5264 NORTH SKY HIGH LN
EAGLE ID 83616



Deborah J. Gibson
Administrative Assistant
Water Management Division

**PROCEDURES FOR PUBLIC WITNESSES
FOR A PROTESTED APPLICATION FOR PERMIT**

ISSUES

Applications to appropriate the water of the state of Idaho are referred to as applications for permit, and are for the development of new water rights. Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation reduce the quantity of water under existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department no later than ten (10) days prior to the hearing.