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RECEIVED
JAN 06 2017
DEPT OF WATER RESOURCES

Attorney for Applicant.

BEFORE THE STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

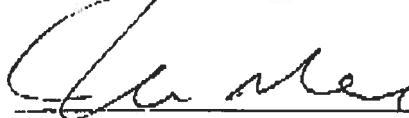
IN THE MATTER OF APPLICATIONS
FOR PERMIT NO. 63-34079 AND 63-
34080

APPLICANT'S REPLY ON MOTION FOR
RECONSIDERATION

Protestant Boise Project Board of Control opposes Applicant Chris Emmert's *Motion for Reconsideration* on grounds that Applicant's *Response in Opposition to Motion for Continuance* ("Response") was not timely filed and should have been submitted in a manner other than the US Mail. As explained in the *Motion for Reconsideration*, the due date for the *Response in Opposition to Motion for Continuance* was January 3, 2016 (per Rules of Procedure 56 and 57), the same date the Department issued its *Order Granting Motion for Continuance of Hearing*. Applicant was not aware that the Department had not received his *Response* that had been mailed to the Department seven days prior. The US Mail is a customary form of service and is generally reliable. There is no sound reason to punish Applicant and not consider his *Response* simply because the US Mail failed to deliver the document within a week's time, particularly given the Post Office assurance that the document would arrive with several days to spare before the deadline. Rule of Procedure 52 provides the Department with leeway to consider the *Response* in these circumstances. Applicant requests that the Department withdraw its *Order Granting Motion for Continuance of Hearing* and then reissue an order following consideration of the *Response*.

Dated this 6th day of January, 2017.

JOHN MARSHALL LAW P.L.L.C.

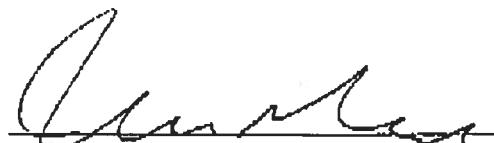

John M. Marshall

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 6, 2017, I caused the original of this document to be filed with the Idaho Department of Water Resources via delivery by email and the US Mail and a true and correct copy of the foregoing to be served by the method indicated below, and addressed to the following.

Shelley M Davis
Barker Rosholt & Simpson LLP
1010 W. Jefferson St Ste 102
PO Box 2139
Boise, ID 83701-2139

☒ U.S. Mail
☐ Overnight Mail
☐ Hand Delivery
☐ Fax


John M. Marshall

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Phone: 208-991-2701
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Fax

To: Shelley Keen

From: John Marshall

Fax: (208) 287-6700

Pages: 3

Re: Emmert - 63-34079 et seq

Date: January 06, 2017

Please file the attached in the matter of Applications for Permit 63-34079 and 63-34080

575 W Bannock, Suite B, Boise, Idaho 83716

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