



State of Idaho

DEPARTMENT OF WATER RESOURCES

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April 9, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Parties to the Contested Cases for
Applications for Transfer 77121 and 77209 and
Applications for Permit 65-23451 and 65-23457

RE: Second Request to Postpone the May Hearing

Dear Parties:

Over the weekend I received the enclosed request from the attorney for Allen Ranch LLP to postpone the hearing scheduled for May 8 and 9, 2012, in Boise. The hearing is scheduled for consideration of Application for Permit 65-23451 and Application for Transfer 77121, both filed by Allen Ranch LLP.

The proposal is to combine the hearing for these two applications with the hearing for Application for Permit 65-23457 (Ford) and Application for Transfer 77209 (West Mountain Water Association, Inc.), which is scheduled for July 17 and 18, 2012, in Boise.

Before I make a decision on the request, I would like each of you to have an opportunity to review the proposal and to comment on it. If you have comments or suggestions, please submit them to me in writing no later than April 20, 2012.

As you comment, please be mindful of directive in Rule 8 of the Department's Rules of Procedure (IDAPA 37.01.01) that you provide a copy to each of the other parties:

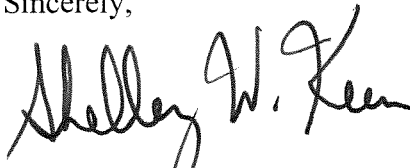
In all rulemakings or contested cases, an original of all documents shall be filed with the Director of the Department of Water Resources or the Chairman of the Idaho Water Resource Board, as the case may be, showing service upon all other parties. No copies in addition to the original document need be filed with the agency unless requested by the agency. [Emphasis added.]

Finally, because of the large number of protestants to the Allen Ranch applications, I would like to consider some ground rules for making the hearing run smoothly and efficiently. Each party will have an opportunity to provide testimony, present witnesses, submit evidence, and cross-examine witnesses. However, we should try to avoid covering the same material several times. Therefore, before the hearing we will need to establish an order in which the parties will proceed and a plan for avoiding redundant testimony and questioning. To the extent possible, please consider such a plan prior to the hearing, collectively if possible, and be prepared to present your suggestions prior to going on the record at the hearing.

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If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov. Please note that I plan to be out of the office from April 13 through April 20, 2012. If you need assistance during my absence, please contact Jean Hersley at 208-287-4942.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen
Hearing Officer

Cc: John Westra
Vicky Music