

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

IN THE MATTER OF APPLICATION	)	
FOR PERMIT TO APPROPRIATE WATER	)	NOTICE OF HEARING
NO. 63-33321 IN THE NAME OF	)	
ELK CREEK CORP	)	
_____	)	

On December 21, 2009, ELK CREEK CORP. filed Application for Permit to Appropriate the Public Waters of the State of Idaho No. 63-33321 (“application”) with the Idaho Department of Water Resources (“department”). A protest to the application was filed on June 4, 2010 by the CITY OF IDAHO CITY.

On December 17, 2010, a pre-hearing conference was held and the parties requested that a formal hearing be held to resolve the protested matter.

The department scheduled the matter for hearing with Jeff Peppersack as presiding officer. Due to medical reasons, Jeff Peppersack may not be available on the dates scheduled for hearing. The department should provide a new hearing officer to ensure that the hearing can take place on the scheduled dates.

NOTICE OF HEARING

The department has scheduled the matter for hearing on Tuesday, November 8 and Wednesday November 9, 2011 beginning at 9:30 a.m. at IDAHO DEPARTMENT OF WATER RESOURCES, STATE OFFICE, CONFERENCE ROOMS C & D, 322 E FRONT ST, BOISE, ID 83702.

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 the presiding officer.

The presiding officer at the hearing will be Shelley Keen, whose mailing address is Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098.

The hearing will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department, IDAPA 37.01.01, and Water Appropriation Rules 40 and 45. A copy of the code/rules may be obtained from the department’s website, www.idwr.idaho.gov, or upon request.

All parties appearing in the matter will have the opportunity to present information, examine witnesses, and provide argument on issues related to the contested application.

NOTICE OF HEARING

The hearing will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the conference, please notify the department at least (10) days prior to the hearing. Inquiries about scheduling, hearing facilities, etc., should be directed to Emalee Rushing at (208) 287-4952.

Dated this 27th day of October, 2011.

Jeff Peppersack, Chief
Water Allocation Bureau

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of October, 2011, true and correct copies of the document described below were served on the following by placing a copy of the same in the United States Postal Service, certified mail with return receipt requested, postage prepaid and properly addressed to the following:

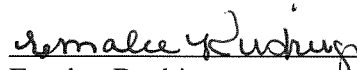
Document Served: Notice of Hearing

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Emalee Rushing
Administrative Assistant