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DEPARTMENT OF  
WATER RESOURCES

Bruce M. Smith, ISB #3425  
Susan E. Buxton, ISB #4041  
MOORE SMITH BUXTON & TURCKE, CHARTERED  
Attorneys at Law  
225 North 9<sup>th</sup> Street, Suite 420  
Boise, ID 83702  
Telephone: (208) 331-1800  
Facsimile: (208) 331-1202

*Attorney for City of Eagle*

**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 ) **CITY OF EAGLE'S OBJECTION**  
M3 EAGLE LLC ASSIGNED TO THE CITY OF ) **TO PRE-HEARING ORDER AS**  
EAGLE ) **TO THE DISCLOSURE OF**  
 ) **WITNESSES**

COMES NOW the City of Eagle, by and through its counsel of record, Susan E. Buxton of the firm Moore Smith Buxton & Turcke, Chtd. and objects to the Idaho Department of Water Resources' Pre-Hearing Order dated September 8, 2011.

The City is not able to comply with the date of September 9, 2011 for the disclosure of witnesses as set out in the Pre-Hearing Order. As, Bruce M. Smith, the primary attorney in this matter, stated during the September 2, 2011 prehearing conference, he is out of the country until September 19, 2011, and could not disclose witnesses until after he returns. The City remains willing to cooperate as much as possible, however, it will not be able to formally disclose witnesses until after Mr. Smith's return to the country. In the interim, the City discloses that it may call the following individuals as witnesses in this matter, but as described by Mr. Smith during the prehearing conference, based on the discovery and depositions between now and the

hearing, these witness as disclosed may be changed. In the interim, without waiving our objection to this order, we submit the following people as possible witnesses:

Nichoel Baird Spencer, City of Eagle, 660 E. Civic Ln., Eagle, Idaho 83616, 939-6813

Michael Echeita, City of Eagle, 660 E. Civic Ln., Eagle, Idaho 83616, 939-6813

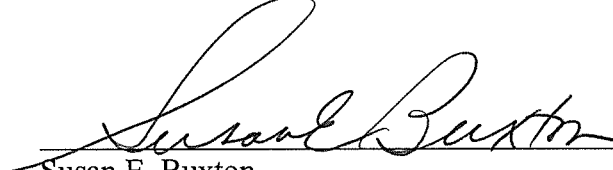
Kasey Ketterling, City of Eagle, 660 E. Civic Ln., Eagle, Idaho 83616, 642-3304

Vern Brewer, Holladay Engineering, 32 N. Main Street, Payette, ID 83661, 642-3304

Witnesses for the City will be called to explain the RAFN information.

DATED this 9<sup>th</sup> day of September, 2011.

MOORE SMITH BUXTON & TURCKE, CHTD.

  
Susan E. Buxton  
Attorney for the City of Eagle

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 9<sup>th</sup> day of September, 2011, I caused to be served a true and correct copy of the foregoing OBJECTION via prepaid, U.S. Mail, to the following:

Jeffrey C. Fereday  
GIVENS PURSLEY LLP  
601 W Bannock St  
Po Box 2720  
Boise ID 83701

via U.S. Mail  
 via Facsimile  
 via Overnight Delivery  
 via Hand Delivery  
 via Email [jeffereday@givenspursley.com](mailto:jeffereday@givenspursley.com)

John Thornton  
NORTH ADA COUNTY GROUNDWATER  
USERS ASSN.  
5264 North Sky High Ln  
Eagle ID 83616

via U.S. Mail  
 via Facsimile  
 via Overnight Delivery  
 via Hand Delivery  
 via Email [cjthornton6@msn.com](mailto:cjthornton6@msn.com)

M3 Eagle LLC  
533 E Riverside Dr Ste 110  
Eagle ID 83616

via U.S. Mail  
 via Facsimile  
 via Overnight Delivery  
 via Hand Delivery

David Head  
NORTH ADA COUNTY GROUNDWATER  
USERS ASSN  
855 Stillwell Dr  
Eagle, ID 83616

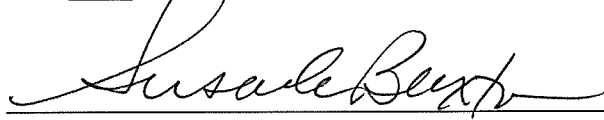
via U.S. Mail  
 via Facsimile  
 via Overnight Delivery  
 via Hand Delivery  
 via Email [head@thorsonid.com](mailto:head@thorsonid.com)

Norman L Edwards  
884 W Beacon Light Rd  
Eagle ID 83616

via U.S. Mail  
 via Facsimile  
 via Overnight Delivery  
 via Hand Delivery  
 via Email [nmedwards@q.com](mailto:nmedwards@q.com)

Alan Smith  
EAGLE PINES WATER USERS  
ASSOCIATION  
3135 Osprey Rd  
Eagle ID 83616

via U.S. Mail  
 via Facsimile  
 via Overnight Delivery  
 via Hand Delivery  
 via Email

  
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SUSAN E. BUXTON