

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

IN THE MATTER OF APPLICATION TO)	
APPROPRIATE WATER NO. 63-32573)	NOTICE HEARING,
IN THE NAME OF THE CITY OF EAGLE,)	PREHEARING, AND
PREVIOUSLY IN THE NAME OF M3)	SCHEDULING ORDER
EAGLE, LLC.)	
_____)	

The Idaho Department of Water Resources (“Department”) requested that the parties in this matter submit information about their unavailable dates for the purpose of scheduling a hearing and a prehearing conference.

The City of Eagle, M3 Eagle LLC, North Ada County Groundwater Users Association (“NACGUA”), Eagle Pines Water User Association, and Norm Edwards submitted available dates.

NOTICE OF HEARING

PLEASE TAKE NOTICE that a formal hearing has been rescheduled for **October 18 through October 20 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.

NOTICE OF PREHEARING CONFERENCE

PLEASE TAKE NOTICE that a prehearing conference will be held on **Friday, September 2, 2011 beginning at 10:00 am** at the offices of the Idaho Department of Water Resources, located at 322 East Front Street, 6th Floor Conference Rooms, Boise, Idaho. The

purpose of the prehearing conference is to discuss the scope of the hearing, identify legal issues, and establish a timetable for hearing preparation.

SCHEDULING ORDER

IT IS HEREBY ORDERED that the scope of the hearing shall be limited to the following:

1. Evidence establishing that the M3 Eagle Project has been annexed by the City of Eagle.
2. Evidence demonstrating that City of Eagle's planning horizon and population projections is reasonable for the City's service area, including the M3 Eagle Project and the projections establish a reasonably anticipated future need for the water within the City's planning horizon.
3. Information on the quantity of water appropriated for permit 63-32573 appurtenant to the M3 Project in relationship to the water needs of the City's service area.

IT IS FURTHER ORDERED that discovery for the hearing may commence immediately.

IT IS FURTHER ORDERED that an evaluation of population projections and water needs titled *RAFN Evaluation For The City Of Eagle In Connection With Application For Permit 63-32573* prepared by Don Reading and Mat Weaver, shall become part of the record as a staff memorandum under Rule 602 of the Department's Rules of Procedure.

IT IS FURTHER ORDERED that Don Reading and Mat Weaver are Department witnesses who will testify at the hearing and will be subject to cross examination.

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.

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 and prehearing conference 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 and prehearing conference 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 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 2nd day of August, 2011

A handwritten signature in black ink, appearing to read "Gary Spackman", written over a horizontal line.

Gary Spackman
Interim Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of August, 2011, 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: NOTICE HEARING, PREHEARING, AND SCHEDULING ORDER

Bruce M. Smith
Moore Smith Buxton & Turcke, Chtd.
950 W Bannock Street, Suite 520
Boise Idaho 83702

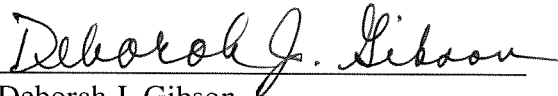
Jeffrey C. Fereday
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Boise, Idaho 83701

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North Ada County Groundwater
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John Thornton
North Ada County Groundwater
Users Assn.
5264 North Sky High Lane
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Alan Smith
Eagle Pines Water Users Assn.
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Eagle, Idaho 83616



Deborah J. Gibson
Administrative Assistant II
Water Management Division & Legal Services