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JUL 19 2011

DEPARTMENT OF WATER RESOURCES

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Conley E. Ward

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Kenneth L. Pursley  
James A. McClure (1924-2011)  
Raymond D. Givens (1917-2008)

July 18, 2011

*Via Email and U.S. Mail*

Deborah J. Gibson  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-0098

Re: M3 Eagle's available prehearing/status conference and hearing dates –  
Application No. 63-32573

Dear Debbie:

In response to your July 11, 2011 letter requesting the parties' available dates for a prehearing/status conference and hearing in the above referenced matter, M3 Eagle LLC hereby submits the following:

**Available prehearing/status conference dates:**

August 3, 4

**Available hearing dates:**

September 13-15, 27-29; or October 11-13, 18-20

M3 Eagle prefers the September hearing dates.

Sincerely,

Jeffrey C. Fereday

Deborah J. Gibson

July 18, 2011

Page 2

cc: William I. Brownlee (via email & U.S. Mail)  
Bruce Smith (via email & U.S. Mail)  
JoAnn Butler (via email & U.S. Mail)  
Alan Smith (via U.S. Mail)  
David Head (via email & U.S. Mail)  
John Thornton (via email & U.S. Mail)  
Norman Edwards (via email & U.S. Mail)

# MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW  
950 W. BANNOCK STREET, SUITE 520; BOISE, ID 83702  
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BRUCE M. SMITH  
PAUL A. TURCKE<sup>9</sup>  
CARL J. WITHROE<sup>†</sup>\*

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DEPARTMENT OF  
WATER RESOURCES

JOHN J. MCFADDEN *Of Counsel*  
MICHAEL C. MOORE<sup>‡</sup> *Of Counsel*

» Also admitted in California  
\* Also admitted in Oregon  
<sup>9</sup> Also admitted in South Dakota  
≈ Also admitted in Utah  
<sup>‡</sup> Also admitted in Washington

July 18, 2011

Ms. Debbie Gibson  
Administrative Assistant II  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720-0098

RE: City of Eagle/M3 Eagle LLC, Application No. 63-32573

Dear Ms. Gibson:

In response to your letter dated July 11, 2011, I can advise you that Mr. Smith is available on the following dates:

Prehearing Status Conference Dates

August 9

Hearing Dates:

October 18-20

If you have any questions, please call me at 331-1800. Thank you.

Sincerely,

MOORE SMITH BUXTON & TURCKE, CHARTERED



Cathy Minyard

Legal Assistant to Bruce M. Smith

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Legal Assistant to Bruce M. Smith

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## FACSIMILE COVER SHEET

DATE: July 18, 2011 RECIPIENT'S FAX: 287-6700

Deborah Gibson,  
TO: Water Management & Legal CLIENT: 1019-40

RE: City of Eagle/M3 Application No. 63-32573

FROM: Bruce M. Smith/Cathy

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 2

       ORIGINAL WILL NOT BE SENT  
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       ORIGINAL WILL BE SENT BY FEDERAL EXPRESS

### ADDITIONAL COMMENTS:

Please find enclosed Mr. Smith's availability for a pre-hearing and hearing in the above matter as requested. Thank you.

Sincerely, \_\_\_\_\_

Cathy Minyard  
Legal Assistant to Bruce M. Smith

\*\*\*\*\* IMPORTANT MESSAGE \*\*\*\*\*  
THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

## Gibson, Deborah

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**From:** Lori Anderson [lorianderson@givenspursley.com]  
**Sent:** Monday, July 18, 2011 1:06 PM  
**To:** Gibson, Deborah  
**Cc:** bms@msbtlaw.com; dh@nacfa.net; David Head; head@thorsonid.com; thornondj@rmci.net; Norman L. Edwards (nmedwards@q.com); BBrownlee@m3companiesllc.com; jbutler@sb-attorneys.com; Jeffrey C Fereday; Michael P. Lawrence  
**Subject:** M3 Response to IDWR re Available Prehearing Status Conf & Hearing Dates [IWOV-GPDMS.FID282511]  
**Attachments:** JCF Response to IDWR re Available Prehearing Status Conf & Hearing Dates.PDF

Good afternoon~

Attached is M3 Eagle's response to your July 11, 2011 letter requesting available hearing dates for a prehearing/status conference hearing regarding Application No. 63-32573. The original will be sent to you via U.S. Mail.

**Lori Anderson**  
Assistant to Jeffrey C. Fereday,  
Deborah E. Nelson, and Michael P. Lawrence  
**GIVENS PURSLEY LLP**  
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# GIVENS PURSLEY LLP

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Jeffrey C. Fereday

Deborah J. Gibson

July 18, 2011

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John Thornton (via email & U.S. Mail)  
Norman Edwards (via email & U.S. Mail)

## Gibson, Deborah

---

**From:** Cathy Thornton [cjthornton6@msn.com]  
**Sent:** Sunday, July 17, 2011 10:56 PM  
**To:** Gibson, Deborah; David Head  
**Cc:** Cathy Thornton; Norman Edwards  
**Subject:** M3 Eagle Application no. 63-32576 available dates for scheduling Status Conference and Hearing

Howdy Deborah Gibson,

On such short notice I am only available Aug 8 or 9th for the status conference. I am also only available October 18-20 for the hearing. Both of these dates require me to adjust my prior obligations at work. I am leaving for work early tomorrow morning and out all day until late, thus I am emailing as no time for a letter.

I am interested in knowing who Don Reading and Mat Weaver are and who they represent. I am assuming that Shelly Keen is the individual that works for IDWR?

I was out of town Monday thru Friday of last week and just read over your two letters on Saturday. This seems to be a very short request time frame as many folks may be gone at work or on vacation. More time would have been appreciated. I know you are the messenger.

Thanks for your assistance and reply to my questions.

/S/

John L. Thornton

**Gibson, Deborah**

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**From:** nmedwards@q.com  
**Sent:** Monday, July 18, 2011 8:54 AM  
**To:** Gibson, Deborah  
**Subject:** M3 Eagle Application no. 63-32576 available dates for scheduling Status Conference and Hearing

July 18, 2011

Hi Deborah Gibson,

The only dates that Alan Smith and Norm Edwards are available for the Status Conference and Hearing are as follows,

Status Conference: August 8-9, 2011

Hearing: Oct 18-20,2011

Thanks for your assistance.

Alan Smith  
Eagle Pines Water Users Assn.  
3135 N. Osprey Rd.  
Eagle, Id 83616

Norman Edwards  
844 W. Beacon Lt. Rd  
Eagle, Id 83616

## Gibson, Deborah

---

**From:** David Head [head@thorsonid.com]  
**Sent:** Monday, July 18, 2011 8:57 AM  
**To:** Gibson, Deborah; John Thornton; David Head  
**Subject:** Available dates for scheduling Status Conference and Hearing - M3 application

Hi Deborah,

I am responding to the recent correspondence regarding availability for status conference and hearing dates. I am available on August 8th for the status conference, and the best dates for the hearing dates would be October 18-20.

Best regards,

/S/

David Head  
North Ada County Groundwater Users Association

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