

Cox, Sharla

From: Michael C Creamer [mcc@givenspursley.com]
Sent: Wednesday, June 15, 2011 3:27 PM
To: 'Scott Campbell'; 'Andy Waldera'; spinjim@cablone.net; 'Randy Budge'; 'Travis Thompson'
Cc: Cefalo, James; 'John Schwarz (fireproofdata@gmail.com)'; 'Lynden and Candice Symons (homestead1888@peoplepc.com)'; Cox, Sharla; Tranmer, Dean; 'Greg Sullivan'; Caralea Hopingardner; Jeffrey C Fereday
Subject: Expert Witness Depositions [IWOV-GPDMS.FID454070]

All:

Now that expert reports have been served, I would like to coordinate with you any depositions that parties may wish to conduct. I have spoken with Greg Sullivan, the City's consultant, and he can be available to be deposed in Idaho (Pocatello or Boise) on the following dates: June 23, 24, 27 and 29. June 28 also could work, but is my last choice because of prior commitments he has that may prove difficult to rearrange. I would like to depose Christian Petrich, Chuck Brockway and Dave Shaw. Since all the parties' currently identified experts are officed in Boise, there is some merit in doing their depositions here, however, I expect that at least the represented parties want to depose Mr. Hebden, the Watermaster. Previously, Hearing Officer James Cefalo indicated that the Department would do its best to facilitate that, but that likely would need to be done in Pocatello, unless other arrangements can be made - covering his travel expenses. I also assume the parties would share costs for Mr. Hebden's deposition. A Boise venue for depos assumes that other parties would not object, either not intending to participate in the depositions, or being willing to travel to Boise also.

To avoid delay, confusion or objections, my suggestion would be that the depositions be scheduled for Pocatello over June 23-24 or June 27-29. Absent a relatively speedy consensus (Friday), my intent would be to notice up depositions for the June 27-29 period. By copy of this to Randy Budge I am inquiring whether space would be available in his offices for us to do the depositions. By copy of this to the hearing officer, I am inquiring whether he can confirm whether Mr. Hebden would be available during those dates.

Would you please provide me with any comments/suggestions at your earliest opportunity?

Sincerely,

Mike

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Cox, Sharla

From: Michael C Creamer [mcc@givenspursley.com]
Sent: Wednesday, June 15, 2011 5:41 PM
To: Cefalo, James; Cox, Sharla
Cc: Scott Campbell; Andy Waldera; spinjim@cableone.net; Randy Budge; fireproofdata@gmail.com; homestead1888@peoplepc.com; Caralea Hopingardner; Tranmer, Dean; Jeffrey C Fereday; 'Greg Sullivan'
Subject: Pocatello Storage Transfer Application [IWOV-GPDMS.FID454070]

James:

At this point it is not apparent whether any parties will wish to depose Steve Hebden, the watermaster, in this matter. The City reserves the right to do so, but has not yet confirmed that it will, and if so, on what date. Nevertheless, I do not see that IDWR has formally requested the watermaster's recommendation concerning the transfer -- Idaho Code 42-222 requires IDWR to notify the watermaster of the proposed changes and obtain the watermaster's recommendation before IDWR finally determines the action on the application. His recommendation is to be considered along with all other evidence in the proceeding.

I am requesting that you formally notify Mr. Hebden of the City's application and request his recommendation so that the record will be complete, regardless of whether he is deposed and/or called as a witness. I would appreciate it if all parties could be copied on your notice and request for recommendation.

Sincerely,

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