

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF PERMIT TO)
APPROPRIATE WATER NO. 37-7842)
IN THE NAME OF)
IDAHO WATER RESOURCE BOARD)**

**NOTICE OF
PRE-HEARING CONFERENCE**

On September 2, 2010, the Idaho Department of Water Resources ("department") granted a five year extension of time to submit proof of beneficial use for permit no. 37-7842, which is held by the Idaho Water Resource Board. Permit No 37-7842 was originally issued in 1982. Since that time, the Idaho Water Resource Board has applied for and obtained three five-year extensions to prove beneficial use (granted in 2000, 2004 and 2010). On September 22, 2010, Joseph F James of Brown & James, filed a Petition for Hearing and Petition for Declaratory Ruling on the behalf of William Arkoosh, the Estate of Veronon Ravenscroft, Koyle Hydro, Inc., Notch Butte Hydro Company, Inc., and Shorock Hydro Inc. asking the department to issue an order declaring all or a portion of permit no. 37-7842 lapsed for failure to provide proof of beneficial use.

The department has scheduled the matter for pre-hearing conference on Thursday, February 24, 2011, beginning at 1:00 PM, at the NRCS office, 215 W "F" St, Shoshone ID 83352.

Agenda items for the pre-hearing conference will include:

1. Review of the petition.
2. Identify issues before the department.
3. Designate dates for discovery and for identifying witnesses.
4. Designate target date for conducting administrative hearing if resolution is not possible during the pre-hearing conference.

The department encourages the applicant and petitioners to discuss and attempt to resolve the matter before the pre-hearing conference. If private discussions are not possible or do not resolve the matter, the department's Rules of Procedure allow for a pre-hearing conference to be held before scheduling a formal hearing.

The pre-hearing conference provides another informal opportunity for the petitioner and respondent to meet. The parties often settle their differences at the pre-hearing conference. If a formal hearing is needed to resolve the contested matter, the pre-hearing conference serves as an opportunity to formulate or simplify the issues, obtain concessions of fact or identification of documents to avoid unnecessary proof,

schedule discovery (when discovery is allowed), arrange for the exchange of proposed exhibits or prepared testimony, limit witnesses, schedule hearings, establish procedure at hearings, and address other matters that may expedite orderly conduct and disposition of the proceeding.

The pre-hearing conference 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 pre-hearing conference, please notify the department at least (10) days prior to the hearing. Inquiries about scheduling, hearing facilities, etc., should be directed to Sharla Cox, (208)525-7161.

Dated this 2nd day of December, 2010.


James Cefalo
Water Resources Program Manager

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of December, 2010, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Document Served: Notice Of Pre-Hearing Conference

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