

Gibson, Deborah

From: Rob Harris [rharris@holdenlegal.com]
Sent: Monday, December 13, 2010 11:26 AM
To: Gibson, Deborah; 'SCOTT CAMPBELL'; 'Andrew J. Waldera '
Cc: Peppersack, Jeff; Spackman, Gary; Cefalo, James; lylewporter@plmw.com
Subject: RE: Preston-Whitney Transfer 75705

Deborah:

Here are my availability dates in March: 1, 3, 4, 7-11, 21-25, and 28-29.

I have had a chance to visit with my clients, and we have a serious concern about moving the hearing from its currently-scheduled date of January 19, 2011. This hearing date was set in June of this year, seven months in advance of the January 19th date. Our concern is that a delay in a decision into this coming irrigation season would again impact my clients, as it did last year. This is why we asked for the hearing to be held in January, well in advance of the 2011 irrigation season, so we could know one way or another as to whether our transfer would be approved or not, so my clients can adjust as best they can if necessary. If the hearing officer is confident that a decision can be issued before April 15th, then I have no objection to moving the hearing date. However, without that assurance, I have to voice my objection to the Department's unilateral decision to move the date without first providing me an opportunity to raise these objections. Please advise to as whether IDWR will likely have a decision rendered by April 15th if the hearing is held in March.

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

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-----Original Message-----

From: Gibson, Deborah [<mailto:Deborah.Gibson@idwr.idaho.gov>]

Sent: Friday, December 03, 2010 10:19 AM
To: SCOTT CAMPBELL; Andrew J. Waldera ; Rob Harris
Cc: Peppersack, Jeff; Spackman, Gary; Cefalo, James
Subject: FW: Preston-Whitney Transfer 75705

Gentlemen,

Jeff Peppersack and Gary Spackman have asked me to contact you about the Motion for Status Conference filed by Andrew Waldera on November 8, 2010 regarding the Preston-Whitney Protested Application for Transfer No. 75705.

The Department does not intend to grant the request at this time, however, the Department will likely extend discovery and schedule a hearing sometime in March 2011.

Please submit your available dates beginning in March 2011 in writing to my attention on or before December 13, 2010. Additionally, because the location of this application is in the Bear River area, please give me your suggestions for where the hearing could be held and contact information for that site. I will make arrangements for the hearing and provide you notice and likely a new discovery schedule.

If you have any questions, please contact me.

Deborah Gibson
Administrative Assistant
Water Management Division & Legal Services Idaho Department of Water Resources
Phone: (208) 287-4942