

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

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 75529)
)
GREGORY AND JULIE DEVRIES,)
 Applicants)
)
DUWAYNE KIMBALL,)
 Protestant)

)

**NOTICE OF CONSIDERATION
OF STAFF MEMORANDUM**

During consideration of this matter, the hearing officer requested a staff memorandum be prepared to evaluate Transfer No. 75529 and the documents submitted by the parties as exhibits. On December 16, 2009, the hearing officer received a staff memorandum prepared by Mike McVay from the hydrology section of the Department which is being considered in this matter. After initial review of the December 16, 2009, staff memorandum the hearing officer sought clarification of the staff review. Mr. McVay supplemented the record with his memorandum dated January 8, 2010, which is also considered in this matter.

Although the parties have waived a hearing in this matter, the hearing officer finds it appropriate under Department Rule of Procedure 602 to provide the parties an opportunity to evaluate and rebut in writing the staff memorandum prior to issuance of a decision. Please find attached copies of the referenced staff memorandums for review.

NOTICE IS HEREBY GIVEN that the hearing officer will consider the referenced staff memorandums along with any written rebuttal of these memorandums from either party in this matter that is received by the hearing officer on or before **March 17, 2010**. If written rebuttal is submitted to the hearing officer, copies must also be served on the opposing party.

Dated this 15th day of March, 2010



Allen Merritt, PE
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of March, 2010, a true and correct copy of the foregoing Notice of Consideration of Staff Memorandum was forwarded with all required charges prepaid, by regular U.S. Mail, to the parties listed below:

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

Technical Records Specialist

Gregory & Julie DeVries
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DuWayne Kimball
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