

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR TRANSFER NO 75471 IN THE)
NAME OF THE CARIBOU LANDS LLC)** **NOTICE OF PROPOSED 2ND PRE-HEARING,
NOTICE OF HEARING, ORDER OF
DISCOVERY, EXHIBITS & WITNESSES**

On March 27, 2009, Caribou Lands LLC, filed Application for Transfer No. 75471. The application was protested on April 27, 2009 by David H Burton, then on April 29, 2009 by Pete Nelson ("Nelson") and Erika Ingersoll ("Ingersoll"), and then on April 30, 2009 by Dennis Haderlie, represented by Robert L. Harris, attorney.

On September 21, 2009, Ingersoll and Nelson did not appear at the prehearing conference. On September 18, 2009, the Department received a petition from Ingersoll and Nelson explaining they were unable to appear because of "illness in the family and surgery scheduling". Recognizing the extending circumstances cited by the Ingersoll and Nelson, the Department will not serve a proposed default order for failure to appear, Ingersoll and Nelson will remain protestants in this matter.

At the initial prehearing, counsel for the applicant presented a new proposal for development of the ponds. Because changes in the development plan may require changes or amendment to the application for transfer, it was decided to tentatively schedule a second informal conference for **December 9, 2009 at 10:00 A.M., at the Department of Water Resources, 900 N Skyline Dr Ste A, Idaho Falls.** Notice of the 2nd prehearing will be served on the parties at a later date.

All parties to this matter are authorized to engage in discovery beginning on **December 10, 2009** and shall complete discovery on or before **February 23, 2010**. The parties shall also exchange copies of proposed exhibits and a list of witnesses on or before **February 23, 2010**. Copies of the proposed exhibits and the witness list shall be provided to the hearing officer on or before **February 24, 2010**. Failure to exchange and serve copies of witness list is cause for IDWR to impose appropriate sanctions on the party failing to provide the information.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

Hearing for this contested case shall be held on **March 23, 2010**. Formal notice of the hearing will be served on the parties at a later date. The hearing will be held in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources. A copy of the rules may be obtained from the Department upon request.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the Department within ten (10) days prior to the hearing.

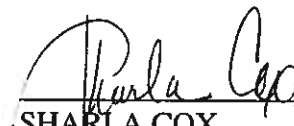
All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 1 day of October 2009.


ERNEST CARLSEN
Water Resources Program Manager

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of October 2009, a true and correct copy of the document(s) described below were served by placing a copy of the same in the United States mail, certified with return receipts, postage prepaid and properly addressed to the following:


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Administrative Assistant

U.S. Mail

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