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January 27, 2010

*Via Hand Delivery*

Mr. Gary Spackman, Interim Director  
Idaho Department of Water Resources, State Office  
The Idaho Water Center  
322 E. Front Street  
Boise, Idaho 83720-0098

**Re: Public Records Request**

Dear Mr. Spackman:

Pursuant to Idaho Code § 9-338, this letter serves as a formal request to examine and obtain copies of the public records of the State of Idaho held by the Idaho Department of Water Resources (IDWR).

Definition of public record

In this letter, the term "public record" includes, but is not limited to, any writing containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by IDWR, including its agents and employees, regardless of physical form or characteristics. I.C. § 9-337(13). The term "writing" includes, but is not limited to, handwriting, typewriting, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums or other documents. I.C. § 9-337(15). This request includes all public records and writings created, transmitted or stored electronically, including e-mails.

Scope of request

I hereby request each public record constituting or relating in any way to work product or communications of any sort by, among, or between IDWR employees (including but not limited

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to Gary Spackman, Sean Vincent, Dennis Owsley, Michael McVay, Craig Tesch, Rick Raymondi, and Allan Wylie), IDWR consultants, IDWR independent contractors, and/or third parties (i.e. any person outside IDWR) relating to any knowledge, understanding, opinion, analysis, position, or other interest in connection with the water right proceeding denoted as "IN THE MATTER OF APPLICATION FOR PERMIT NO. 63-32573 IN THE NAME OF M3 EAGLE LLC."

This request does not include, and I do not wish to be provided with, any exhibits or transcripts contained in the official record of the aforementioned matter unless such an exhibit or transcript contains annotations or other markings not included in the original.

This request does not fall within any of the categories listed in Idaho Code § 9-338(4) that would allow IDWR to inquire about the request. No public record requested herein is exempt from disclosure under Idaho or federal law. If IDWR believes any requested public record is exempt from disclosure, please identify and describe each public record that has been withheld and state the exemption or other reason for withholding it. Please notify me of any appeal procedures available under law.

Please notify me of any copying or duplication charges before such charges are incurred.

Please contact me at 208-388-1294 or [mpl@givenspursley.com](mailto:mpl@givenspursley.com) to make arrangements for examination or delivery of the requested public records or if you have any questions regarding this request.

I appreciate your prompt attention to this request.

Sincerely,



Michael P. Lawrence

cc: William Brownlee (via e-mail)  
Phillip Rassier (via hand delivery)  
Clive Strong (via hand delivery)

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