

Keen, Shelley

From: Merritt, Allen
Sent: Monday, October 26, 2009 10:49 AM
To: Keen, Shelley
Cc: Peppersack, Jeff
Subject: Pre-hearing conference for 37-8388 permit reinstatement

Gents:

Today I conducted a pre-hearing conference via telephone.

Those participating were Jim Speck, attorney for SDRTR, LLC (Permit holder) and Travis Thompson attorney for Lisa Vierling (Petitioner)

The issues discussed were:

- Scope of the hearing. Travis wants to argue about the FE at the hearing. Speck thought that was inappropriate. I told them normally FE are not a matter of hearings but I told them that depending on the outcome of the reinstatement that they could dispute any license issued based on the FE and IDWR's analysis. This hearing should be limited to the reinstatement issue.

- Potential hearing officer. (I indicated it would likely be Shelley Keen)

- Who were the department employees involved in the reinstatement. Travis is concerned that Shelley was involved. I told them I believed that Jeff Peppersack was involved since he signed the reinstatement. Travis wants the department to provide a statement of involvement of employees. He will likely depose Jeff. I told them if Shelley was involved that the department would likely identify a different hearing officer (maybe someone from out of another region). I asked if Travis was going to dismiss all department employees and he said not necessarily if they were not involved in the reinstatement. We need to provide this information ASAP to allow the following dates to hold.

- Both parties requested discovery. They agreed to complete discovery by January. 29th, 2010.

- Both parties agreed to exchange exhibits & witness lists on or before February 19, 2010.

- Both parties agreed to be available for hearing March 11 or 12 or the week of March 15, 2010.

- Speck wants the hearing in Blaine County. Travis wanted it in Twin Falls. Ultimately I told them it would be Blaine County.

- I told them that SDRTR, LLC address of record is not current since their notice of conference was returned. I requested that they file a change of address.

Please call so we can discuss how to provide a statement of involvement and issue a notice of hearing.

Allen