

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF RE-INSTatement)
OF PERMIT NO. 37-8388 IN THE NAME OF)
SDRTR, LLC.)

LISA VIERLING, Petitioner)
_____)

NOTICE OF HEARING,
ORDER AUTHORIZING DISCOVERY,
AND PRE-HEARING ORDER

On July 14, 2008 the Department of Water Resources (Department or IDWR) issued an order reinstating lapsed permit 37-8388.

On July 25, 2008 Lisa Vierling (Vierling), through her attorney, filed a Petition contesting the reinstatement.

On October 26, 2009 the Department conducted a pre-hearing teleconference to discuss issues involved in this matter but did not resolve the matter of issuance of the re-instatement of the permit.

THEREFORE, The Department has scheduled the matter for hearing **on Monday, March 15, 2010 in the Meeting Room, Blaine County Annex Building, 219 South 1st Ave - Ste # 108 in Hailey, ID commencing at 10:00 a.m.** The hearing will be held in accordance with provisions of chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the Department and Beneficial Use Examination Rules 50 and 55. A copy of the rules may be obtained from the department upon request.

The presiding officer at the hearing will be **Shelley W. Keen, whose address is IDAHO WATER RESOURCES, PO BOX 83720; BOISE ID 83720-0098.**

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.

The hearing will be conducted in a facility that 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.

IT IS HEREBY ORDERED as follows:

The parties are authorized to engage in discovery commencing with the date of this order. **The parties shall complete discovery on or before January 29, 2010.** Discovery shall be conducted pursuant to IDAPA Rules 37.01.01520-532 (Rules of Procedure 520 through 532). The parties are directed to answer or otherwise respond to discovery in accordance with the department's Rules of Procedure and the Idaho rules

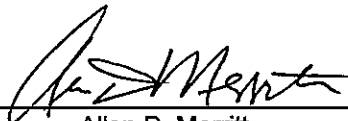
of Civil Procedure, as appropriate. In accordance with Rule 520, the scope of discovery shall be governed by Rule 26(b) of the Idaho Rules of Civil Procedure, unless otherwise provided by statute, rule or order of the Director.

IT IS FURTHER HEREBY ORDERED as follows:

On or before February 19, 2010 the parties shall exchange exhibit and witness lists.

IN ADDITION, please note that the Departmental Memorandum dated October 26, 2009 (Attached) listing IDWR Employees involved in the Re-instatement Order for Permit 37-8388 is referenced and included in this Pre-hearing Order as pertinent information.

Dated this 28th day of October, 2009.



Allen D. Merritt
Southern Region Manager

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of October, 2009 a true and correct copy of the above and foregoing Notice of Hearing, Order Authorizing Discovery and Pre-Hearing Order Regarding Permit No. 37-8388 was forwarded with all required charges prepared, U.S. Mail to the parties as listed:

TRAVIS THOMPSON
BARKER ROSHOLT SIMPSON
PO BOX 485
TWIN FALLS ID 83303-485

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x _____
Fax _____

LISA VIERLING
PO BOX 869
SUN VALLEY ID 83353

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x _____
Fax _____

JAMES SPECK
PO BOX 987
KETCHUM ID 83340

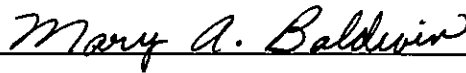
Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x _____
Fax _____

SDRTR, LLC
% ANTHONY ROBBINS
930 S ANDREASEN DR SUITE H
ESCONDIDO CA 92029

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x _____
Fax _____

ATTN Debbie Gibson
ID DEPT OF WATER RESOURCES
PO BOX 83720
BOISE ID 83720-0098

Hand delivered _____
U.S. Mail-Regular x _____
U.S. Mail-Certified _____
Fax _____



Mary A. Baldwin
Administrative Assistant I

MEMORANDUM

DATE: October 26, 2009

TO: Allen Merritt

FROM: Shelley W. Keen

SWK

RE: Employees involved in the *Reinstatement Order* for Permit 37-8388

The following is a list of IDWR employees, in addition to you, involved in the decision to reinstate Permit 37-8388:

- Jeff Peppersack supervised the evaluation of the *Petition to Reinstate Lapsed Water Right* and signed the order reinstating the permit.
- Deborah Gibson provided administrative assistance for the reinstatement of the permit.
- Pam Skaggs requested additional information for the *Beneficial Use Field Report* submitted in connection with the petition.

My involvement with Permit 37-8388 has been limited. I assigned the field report to Pam Skaggs and, based on a cursory review, reminded her to address the lack of an annual volume recommendation on the report. In the past year or two I have seen other documents, including photographs and diagrams, related to Permit 37-8388 as well. In all cases I routed or returned the documents to others for review and processing.