

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

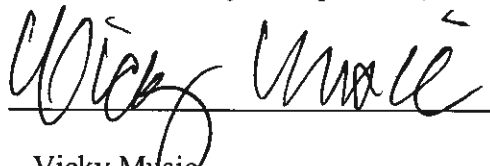
IN THE MATTER OF APPLICATION FOR)	
PERMIT NO. 65-23244 IN THE NAME OF)	NOTICE OF PREHEARING
DAVID DEAN)	CONFERENCE
_____)	

On November 27, 2007, David Dean filed with the Department of Water Resources (IDWR) an application for permit. The application received two (2) protests, filed by Clarence D Link Estate, c/o Joanne C Lakey; and Christine Bryson.

IDWR has scheduled a pre-hearing conference for the remaining protest, to be held on **Tuesday October 13th, 2009 at 10:30 A.M. The conference will be held on site. The parties will meet on Kirkpatrick Rd, just before it forks into Liberty and Brownlee Roads.** They will then proceed to the site for the conference. Please refer to the attached map for a further detailed description. The conference will be held in accordance with provisions of the IDWR Rules of Procedure and Water Appropriation Rules 40 and 45.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR at least ten (10) days prior to the conference.

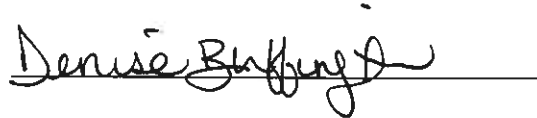
Dated this 18th day of September, 2009



Vicky Musio
For: John Westra, Western Regional Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of September, 2009, I mailed a true and correct copy, postage prepaid, of the foregoing **NOTICE OF PREHEARING CONFERENCE** to the person(s) listed below:

A handwritten signature in cursive script, reading "Denise Buffington", is written over a horizontal line.

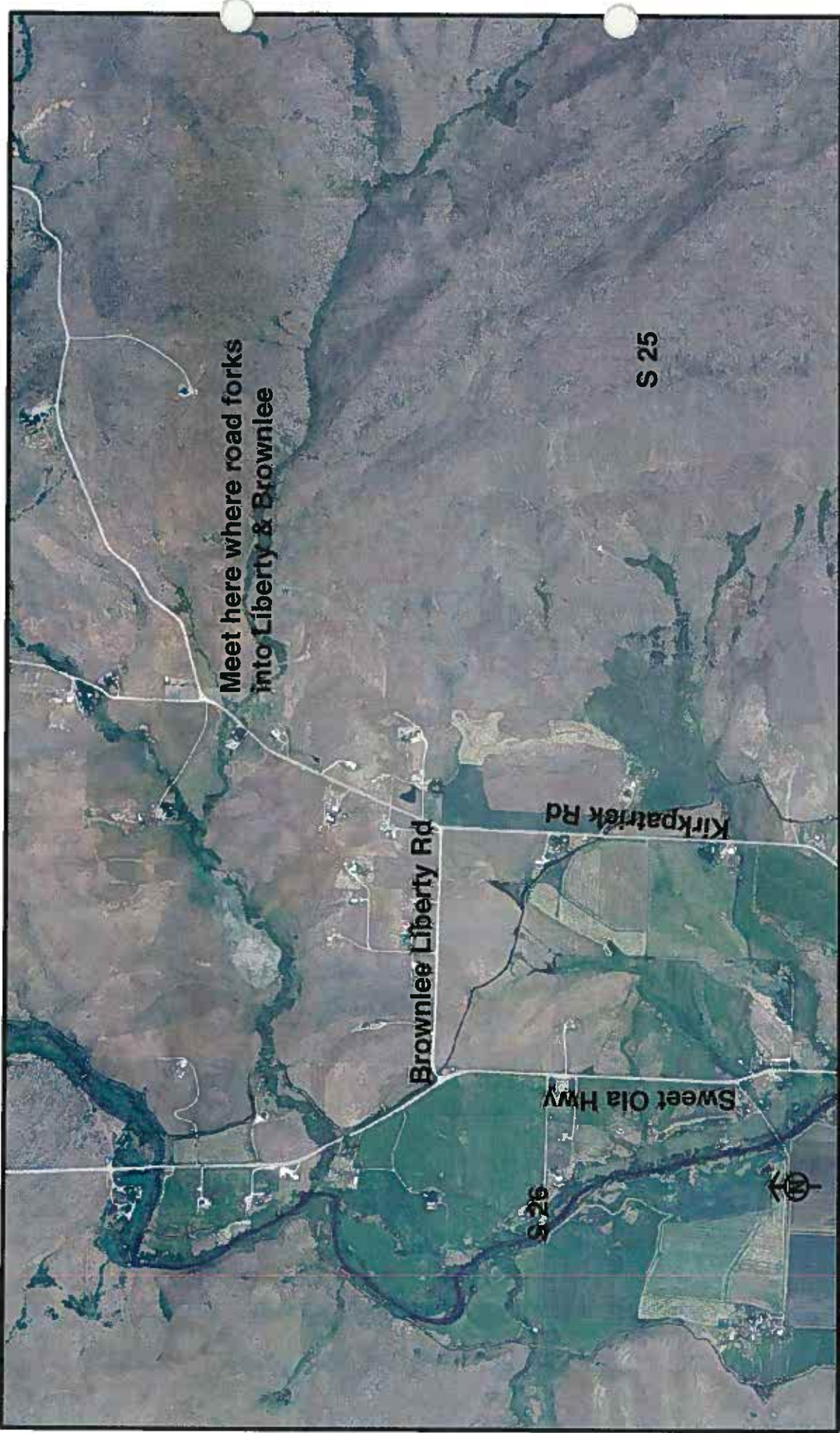
Denise Buffington
Administrative Assistant

DAVID DEAN
1746 E DUNWOODY CT
MERIDIAN ID 83646

ERIC HERR, WATERMASTER
WATER DISTRICT 65A
8917 BUTTE RD
SWEET ID 83670

CLARENCE D LINK ESTATE
c/o JOANNE C LAKEY
177 BROWNLEE RD
SWEET ID 83670

CHRISTINE BRYSON
9450 LIBERTY RD
SWEET ID 83670



65-23244 - David Dean application for permit and prehearing conference on 10/13/2009

PRE-HEARING CONFERENCE AND/OR HEARING PROCEDURE APPLICATION FOR PERMIT

ISSUES

Applications to appropriate the water of the state of Idaho are referred to as applications for permit, and are for the development of new water rights. Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation reduce the quantity of water under existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?
8. If the proposed application is for a minimum streamflow, will it meet the requirements for local public interest, according to chapter 15, title 42, Idaho Code.
9. Is the source where the water is to be appropriated largely within the state's boundaries, irrespective of the location of any proposed power generating plant?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6, 7, 8 and 9 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issues 5 and 8 if applicable, lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for these issues.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues to avoid unnecessary proof, identify documents, schedule discovery, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing, and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. When attending the conference, please bring a calendar with your schedule for the next two – six month period from the date of the prehearing conference for the purpose of scheduling the hearing.

HEARING

A hearing may be conducted according to Sections 42-1701A(1) and (2), Idaho Code and the Department's Rules of Procedure. Copies of Idaho Code and the Department's Rules are available upon request or by accessing the Department's website at: www.idwr.idaho.gov. The department records formal hearings and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

The hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended or preliminary order. Parties can petition for reconsideration of a decision or file exceptions. A brief to support exceptions may request oral argument. Parties may seek judicial review of any final order issued by the Director.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled 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 notify the department no later than ten (10) days prior to the hearing.