

RECEIVED

APR 28 2003

Department of Water Resources

MATT J. HOWARD
Attorney at Law
P. O. Box 190012
Boise, Idaho 83719
Telephone: (208) 333-0622
Facsimile: (208) 333-8409

Attorney for the Estate of Eleanor I. Chase

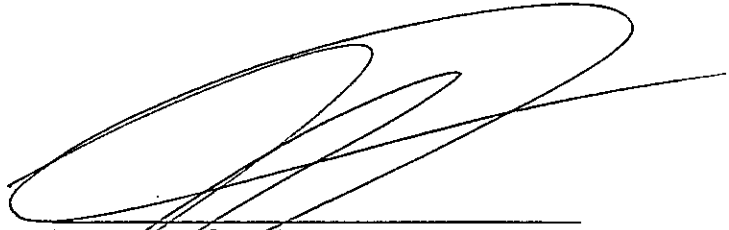
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF)
APPLICATION FOR PERMIT NO. 63-12448)
IN THE NAME OF THE CITY OF EAGLE) MOTION FOR ORDER COMPELLING
DISCOVERY AND MOTION IN LIMINE

The Estate of Eleanor I. Chase ("Estate"), by and through its attorney Matt J. Howard, and pursuant to IDAPA 37.01.01.521, IDAPA 37.01.01.600, and Rule 37(a) of the Idaho Rules of Civil Procedure, moves the Idaho Department of Water Resources (IDWR) for an order compelling discovery and motion in limine to remedy the unfair prejudice to the Estate caused by the evasive and incomplete discovery responses filed by the Applicant City of Eagle ("Applicant") in the above-captioned contested case.

These motions are supported by the record in this case and the accompanying Memorandum in Support of Motion for Order Compelling Discovery and Motion In Limine. Oral argument is respectfully requested.

DATED this 28th day of April, 2003.



MATT J. HOWARD
Attorney for Estate

CERTIFICATE OF SERVICE

The undersigned certifies that on the 28th day of April 2003, a true and correct copy of the within and foregoing document was sent to the following person(s) by the method indicated below:

Jim Burton
1896 N. Eagle. Rd.
Eagle, ID 83616
U.S. Mail

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, ID 83616
U.S. Mail

Molly O'Leary, Esq.
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616
U.S. Mail

Bruce Smith, Esq.
Moore Smith Buxton & Turcke, Chtd
225 N. 9th St., Ste. 420
Boise, ID 83702
U.S. Mail



MATT J. HOWARD

APR 28 2003

MATT J. HOWARD
Attorney at Law
P. O. Box 190012
Boise, Idaho 83719
Telephone: (208) 333-0622
Facsimile: (208) 333-8409

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF)
APPLICATION FOR PERMIT NO. 63-12448)
IN THE NAME OF THE CITY OF EAGLE) MEMORANDUM IN SUPPORT OF
) MOTION FOR ORDER COMPELLING
) DISCOVERY AND MOTION IN LIMINE
)
)

The Estate of Eleanor I. Chase (“Estate”), by and through its attorney Matt J. Howard, submits this memorandum in support of its Motion for Order Compelling Discovery and Motion In Limine.

I. MOTION FOR ORDER COMPELLING DISCOVERY.

Pursuant to IDAPA 37.01.01.521, a party may “apply for an order compelling discovery in a manner consistent with the provisions of Rule 37(a) of the Idaho Rules of Civil Procedure.” Rule 37(a) provides that an order compelling discovery is proper where a party responds to discovery with “evasive or incomplete” answers:

Rule 37(a)(2) Motion. If . . . a party fails to answer an interrogatory [or] . . . fails to permit inspection as requested, the discovering party may move for an order compelling an answer . . . or an order compelling inspection in accordance with the request.

Rule 37(a)(3) Evasive or Incomplete Answer. For purposes of this subdivision an evasive or incomplete answer is to be treated as a failure to answer.

Rule 37(a)(4) also authorizes the award of costs and attorney fees in conjunction with a motion for order compelling discovery.

II. MOTION IN LIMINE.

Pursuant to IDAPA 37.01.01.600, the hearing officer has the power to admit and exclude evidence that is unfairly prejudicial to a party. *See also e.g., IRE 104(a)* (recognizing inherent power of courts to rule on admissibility of evidence prior to hearing). As shown below, the protestants will be unfairly prejudiced if the Applicant is permitted to introduce witnesses or offer into evidence documents that it has refused to disclose through discovery.

DISCUSSION

I. NUMEROUS DISCOVERY RESPONSES BY THE APPLICANT ARE EVASIVE AND INCOMPLETE.

As demonstrated below, numerous discovery responses provided by the Applicant are evasive and incomplete. The Applicant's refusal to provide complete and responsive answers to the Estate has unfairly prejudiced the Estate's ability to properly prepare its defense to the application. In order to avoid any unfair prejudice to the Estate, the Applicant must be required to provide responsive and complete discovery responses, or, in the alternative, its application should be dismissed pursuant to IDAPA 37.01.01.531 and I.R.C.P. 37(b)(2).

Provided below are the specific interrogatories and requests for production to which the Applicant has provided evasive and incomplete responses:

Interrogatory No. 2. Interrogatory No. 2 requests the Applicant set forth the substance of expert opinions and the underlying facts and data which support those opinions. The Applicant's response evasively indicates that its expert will testify that the Applicant's proposal

will have “minimal impact . . . on neighboring wells.” It then indicates that its expert’s opinion is based upon “IDWR records.” But the Applicant fails to identify what “IDWR records” it is relying on. IDWR has thousands of records. Is the Applicant relying on every single record IDWR has in its possession? Certainly not. The Applicant knows which records it is relying on. Therefore, it is not too much to ask the Applicant to be more specific. Rather than simply identify the records up front, the Applicant has chosen to engage in evasive litigation tactics.

The Applicant also indicates that its expert opinion is based upon three reports: “Ground-water conditions in the Dry Creek Area, Eagle, Idaho, prepared by IDWR (1991) (hereinafter “the IDWR Report”); Results of the 30-Day Pumping Test and Aquifer Analysis, prepared by CH2M Hill (1991) (hereinafter “the CH2M Hill Report”); and Aquifer Test Floating Feather Well, prepared by Scanlan Engineering (hereinafter “the Scanlan Report”).”

However, the Applicant makes no reference to the report prepared by one of its experts, Bill Strowd, which was distributed at the August 15, 2001, prehearing conference and represented by the Applicant to show the data, analysis and expert opinion that the Applicant’s proposed well should have minimal impact to the local aquifer and to senior water rights. *See Summary of Groundwater Conditions in the Vicinity of Proposed Brookwood Subdivision Well, Eagle, Idaho (Strowd – Aug. 14, 2001)* (hereinafter “the Strowd Report”). In its discovery response, however, the Applicant makes no reference to the Strowd Report. Therefore, it is unclear whether the Applicant still maintains that the Strowd Report sets forth its basis for claiming that there is no injury to the Estate wells, or whether the Applicant has wholly abandoned the Strowd Report.

To confuse and complicate matters further, the Applicant indicates that it disclosed the three reports (i.e. the IDWR Report, the CH2M Hill Report, and the Scanlan Report) as part of

its "Second Supplemental" discovery response. But that is not true. The Applicant provided a copy of the IDWR Report, the CH2M Hill Report, and a "Revised" Strowd Report. A *portion* of the Scanlan Report is included in the Revised Strowd Report. By disclosing the Revised Strowd Report (which included only a portion of the Scanlan Report) does this mean that the Applicant is now adding a "fourth" report to the list of reports that it is relying on? Also, is the Applicant relying on the entire Scanlan Report or just the portion that it disclosed as part of the Revised Strowd Report? We do not know. The Applicant does not tell us.

The bottom line is that the Estate has made a very simple discovery request, which the Applicant has intentionally made more difficult by being evasive. At the contested case hearing in this matter, the hearing officer will require that the Applicant set out its expert basis for showing that there is no injury to the Estate's senior water rights. The Estate is properly requesting (through discovery) that the Applicant set out that expert basis now. Instead of getting a complete, responsive answer, the Applicant sticks the Estate with vague references to "IDWR records" and confusing references to reports.

The Applicant's duty to disclose relevant information should not be based upon a double standard: a complete-responsive standard used for dealing with the hearing officer and an incomplete-evasive standard used for dealing with protestants.

Moreover, the Applicant has repeatedly indicated that it is ready to go to hearing. *See e.g., Applicant's Response to Motion to Vacate Hearing (Jan. 30, 2003); Letter from Bruce Smith to IDWR (April 18, 2003).* In fact, in its Response to Motion to Vacate Hearing, the Applicant indicated that it was ready to go to a contested case hearing in February. In light of those representations concerning its readiness, the Applicant should have no excuse for not being

able to provide a complete and responsive answer which sets out its expert basis relating to injury to the Estate's water rights.

Unless the Applicant is required to provide a complete and responsive answer to this Interrogatory, the Estate will be unfairly prejudiced in its ability to prepare its defense and thus protect its senior water rights.

Interrogatory Nos. 4 and 7. Interrogatory Nos. 4 and 7 request the Applicant to provide specific information to support its assertions that its application, if approved, would not injure other water rights and would not reduce ground water levels in the Estate's wells.

The Applicant responds that its assertions are supported by "Interrogatory No. 2, which as discussed above is wholly incomplete and evasive. The Applicant also evasively responds that its assertions are supported by "representations made by the Protestants." What "representations" is the Applicant referring to? Also, which "Protestants" made the alleged representations? The Applicant does not tell us, even though the Estate's discovery requests specifically request disclosure of such information.

Interrogatory Nos. 5, 6, and 8. Interrogatory Nos. 5, 6, and 8 request the Applicant provide information relating to its assertions that its application, if approved, will not conflict with the local public interest, will not be contrary to the conservation of water resources within the state, and will not constitute an enlargement. The Applicant evasively responds that its assertions are supported by "Interrogatory No. 2," which as discussed above is wholly incomplete and evasive.

Interrogatory No. 9. Interrogatory No. 9 seeks the identity of water rights that the Applicant has legal, equitable, or contractual interests in. The Applicant refuses to provide complete disclosure objecting that the interrogatory is burdensome and irrelevant. The

Applicant's objections are specious. As for burdensome, there is nothing burdensome about listing the water right numbers of the water rights the City has an interest in. Also, this interrogatory is highly relevant. For example, if the City has a contractual right to obtain water from another point of diversion such information would be relevant to the issue of whether it is in the local public interest to have the Applicant drill yet another well, as it proposes to do in its application.

Interrogatory No. 10. Interrogatory No. 10 requests that the Applicant provide specific information relating to the factual basis for its denials of the Estate's requests for admissions. Rather than provide specific information, the Applicant points to earlier interrogatories, which as discussed above are wholly inadequate and evasive.

Requests for Production. Through various requests for production the Estate requested the Applicant to produce documents concerning the following:

- *Production Request No. 2:* documents relating to the factual basis for statements in the application;
- *Production Request No. 4:* documents that may be offered as exhibits;
- *Production Request Nos. 6, 7, 8, 9, 10, 11:* documents that relate to the issues of injury, local public interest, conservation of water resources, reduction in ground water levels in the Estate's wells, and enlargement; and
- *Production Request Nos. 12, 13, 14, 15:* documents, data summaries, and scientific evidence that may be offered into evidence in conjunction with expert testimony or that relates to injury and/or enlargement.

In response to the above production requests, the Applicant has only disclosed three reports: the IDWR Report, the CH2M Hill Report, the "Revised" Strowd Report. It has not

disclosed any other documents or records. Moreover, the Applicant has failed to identify the "original" Stowd Report in its response to either Production Request Nos. 2, 6, 7, or 10, even though that document falls within the scope of one or more of those discovery requests. This omission coupled with the few disclosures made by the Applicant demonstrate that it has made no good faith attempt to disclose information which it has knowledge of and which is readily available to it.

II. GRANTING MOTION IN LIMINE IS NECESSARY TO PREVENT UNFAIR PREJUDICE.

A. Exclusion of Witnesses Not Disclosed Through Discovery.

In its responses to Interrogatory Nos. 1 and 2, the Applicant states that it may disclose additional persons with knowledge and experts as this case proceeds. The City should not be allowed to call as witnesses persons with knowledge or experts that it has not disclosed through discovery. To do so would circumvent the purpose of discovery and allow a trial by ambush, thus unfairly prejudicing the Estate's ability to prepare its defense.

Also, based on representations by the Applicant, it does not need any additional time to identify experts or persons with knowledge. As indicated above, it has repeatedly indicated that it is ready to go to hearing. Since the Applicant has indicated it is ready to proceed to a contested case hearing, it does not need additional time to identify persons with knowledge and experts. Therefore, the City should not be allowed to call as witnesses persons with knowledge or experts that it has not already disclosed through discovery.

B. Exclusion of Documents Not Disclosed Through Discovery.

To date, the Applicant has only provided two sets of documents to the Estate. The first set of documents is the three reports mentioned above: the IDWR Report, the CH2M Hill Report, and the Revised Stowd Report. The second set of documents is city council meetings

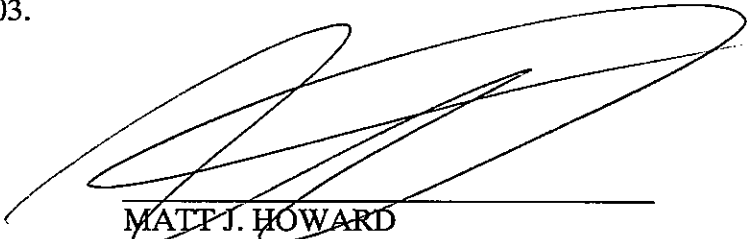
minutes (which the Applicant delayed over two months before disclosing). Despite the Estate's requests for production for additional documents, as set out above, the Applicant has failed to produce any additional documents.

As indicated above, the Applicant has indicated that it is ready to proceed to a contested case hearing. Therefore, the City should not be allowed to offer into evidence documents that it has not already disclosed through discovery.

CONCLUSION

Based on the foregoing, the Estate respectfully requests that the hearing officer enter an order (a) compelling the Applicant to provide responsive and complete answers to pending discovery requests, or, in the alternative, its application should be dismissed pursuant to IDAPA 37.01.01.531 and I.R.C.P. 37(b)(2); (b) excluding witnesses and documents not disclosed by the Applicant through discovery, and (c) awarding costs and attorney fees incurred by the Estate as a result of the Applicant's incomplete and evasive discovery responses.

DATED this 28th day of April, 2003.



MATT J. HOWARD
Attorney for Estate

CERTIFICATE OF SERVICE

The undersigned certifies that on the 28th day of April 2003, a true and correct copy of the within and foregoing document was sent to the following person(s) by the method indicated below:

Jim Burton
1896 N. Eagle. Rd.
Eagle, ID 83616

U.S. Mail

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, ID 83616

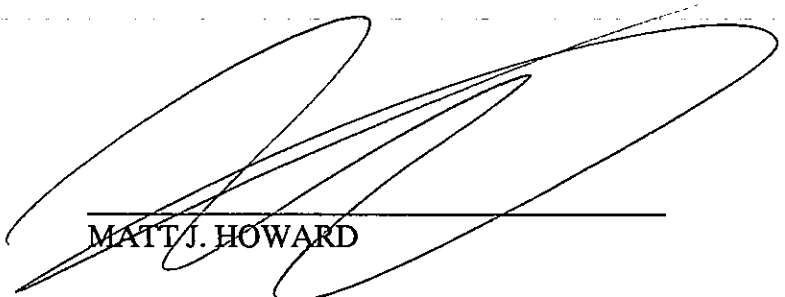
U.S. Mail

Molly O'Leary, Esq.
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

U.S. Mail

Bruce Smith, Esq.
Moore Smith Buxton & Turcke, Chtd
225 N. 9th St., Ste. 420
Boise, ID 83702

U.S. Mail



MATT J. HOWARD



Molly O'Leary

Tel: 208-938-7902 Fax: 208-938-7904
molly@richardsonandoleary.com
P.O. Box 1849 99 East State Street, Eagle, Idaho 83616

RECEIVED

APR 28 2003

Department of Water Resources

FAX

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE MAY BE PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED BELOW. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, (COLLECT IF NECESSARY) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. MAIL.

To: Mr. Glen Saxton

From: Molly O'Leary

Fax: 208.327.7866

Pages: 2

Phone: 208.327.7953

Date: April 28, 2003

Re: 1076/3.4 - Application to Amend Permit
No. 63-12448

CC: Matt J. Howard (333.8409)
Bruce Smith (331.1202)

PLEASE SEE ATTACHED



Molly O'Leary

Tel: 208-938-7902 Fax: 208-938-7904
molly@richardsonandoleary.com
P.O. Box 1849 99 East State Street, Eagle, Idaho 83616

April 28, 2003

Idaho Department of Water Resources
Attn: L. Glen Saxton, P.E.
1301 Orchard Street
Boise, Idaho 83706

Via facsimile &
First Class Mail

Re: City of Eagle, application for Permit No. 63-12448

Dear Mr. Saxton:

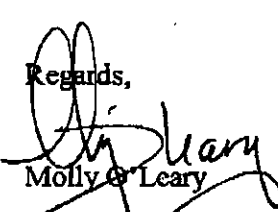
This letter is in response to the letter addressed to you and dated April 18, 2003 from the Applicant, as well as the April 21st letter addressed to you from Matt J. Howard, attorney for the Chase Estate, a protestant in the above-referenced matter.

Eagle Water Company, Inc. ("Eagle Water") is in agreement with Mr. Howard's characterization, re: the status of discovery, with the qualification that the inadequacy of the Applicant's discovery responses to date may simply be a reflection of the Applicant's genuine inability to meet its burden, re: the issues identified for hearing.

As for a hearing date, Eagle Water will not be available the last two weeks of July.

As for a hearing officer, Eagle Water has no objection to your continued service and assumes that you have sufficient experience and integrity to serve without bias. Eagle Water does object, however, to the Applicant's attempt to hand-pick an alternate hearing officer.

Regards,


Molly O'Leary

cc: Applicant
All Protestants

MATT J. HOWARD

ATTORNEY AT LAW

RECEIVED

APR 22 2003

EMAIL: MHOWARD@FIBERPIPE.NET

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

Department of Water Resources

April 21, 2003

Via Facsimile & U. S. Mail

Glen Saxton, P.E.

Idaho Department of Water Resources

1301 N. Orchard St.

Boise, ID 83706-2237

RE: In the Matter of Amendment of Permit No. 63-12448 – City of Eagle

Dear Mr. Saxton:

Over the weekend I received in the mail a letter from Bruce Smith, the attorney for the applicant in the above-referenced matter, dated April 18, 2003, indicating that “discovery is substantially complete” and requesting a hearing date.

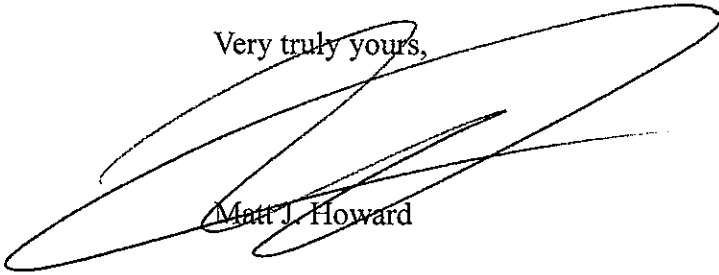
Contrary to the applicant’s assertion, discovery is not substantially complete. Mr. Smith and I have exchanged a number of communications relating to the incomplete discovery responses tendered by the applicant to date. My notes show that our last communication occurred on April 1, 2003, during a telephone conversation wherein Mr. Smith and I had agreed that he was going to re-review the Estate’s discovery requests and contact me so we could go through item-by-item the outstanding discovery issues and attempt to resolve those issues, thus avoiding the need for the Estate to file a motion for an order compelling the applicant to provide complete and responsive answers. Mr. Smith has not contacted me since that date to work through the issues. I had assumed he was getting additional documents or information together.

I was quite surprised to receive Mr. Smith’s letter indicating that discovery was substantially complete and that a hearing should be scheduled. Since the applicant appears intent on pressing this matter to a hearing without remedying the outstanding discovery issues, the Estate will need to file a motion to compel requesting that the hearing officer order the applicant to provide responsive answers to the Estate’s discovery requests.

To avoid putting the cart before the horse, it would be better if scheduling issues were addressed following the hearing officer’s ruling on the outstanding discovery issues. I will expedite the filing of the motion to avoid any delay. Furthermore, I am unavailable during July and August for a contested case hearing, but I am available during September and October.

APRIL 21, 2003

Very truly yours,



Matt J. Howard

Cc: Client
All Protestants
Bruce Smith, Esq.

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

225 NORTH 9TH STREET, SUITE 420
BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

RECEIVED

APR 21 2003

Department of Water Resources

JOHN J. MCFADDEN*†
Of Counsel

RANSOM J. BAILEY
SUSAN E. BUXTON*
MICHAEL C. MOORE†
BRUCE M. SMITH
PAUL A. TURCKE‡
CHRISTOPHER E. YORGASON
TAMMY A. ZOKAN*

* Also admitted in Oregon
† Also admitted in Washington
‡ Also admitted in South Dakota
* Also admitted in New Mexico

April 18, 2003

Idaho Department Water Resources
Attn: Glen Saxton
1301 Orchard Street
Boise, ID 83706

RE: City of Eagle, Application for Permit No. 63-12648

Dear Mr. Saxton:

The City of Eagle has requested an independent hearing officer be appointed to conduct the hearing in this matter. The basis for that request is, in part, the submittal of certain information by some of the Protestants to the Department. The City of Eagle suggests that Mr. Norm Young would be a good hearing officer.

This matter has been delayed for quite some time due to Protestants request for discovery. Discovery is substantially complete. The City of Eagle requests a hearing in July. Anytime after July 8 would be acceptable. We would anticipate no more than two days would be required.

Sincerely,



Bruce M. Smith

BMS/aad
cc All Protestants

RECEIVED

APR 21 2003

MATT J. HOWARD

ATTORNEY AT LAW

Department of Water Resources

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

EMAIL MHOWARD@FIBERPIPE.NET

FACSIMILE TRANSMITTAL SHEET

TO:	Glen Saxton	FROM:	Matt J. Howard
COMPANY:	IDWR	DATE:	April 21, 2003
FAX NUMBER:	327-7866	TOTAL NO. OF PAGES INCLUDING COVER:	3
RE:	In the Matter of Amendment of Permit No. 63-12448 - City of Eagle		
NOTES/COMMENTS:			

CONFIDENTIAL & PRIVILEGED INFORMATION

This facsimile is confidential & privileged. It is for use of the individual(s) named on this cover sheet. If you are not the intended recipient, do not read this facsimile. Any further inspection, dissemination, or copying of this facsimile is prohibited. If you have received this facsimile by error, please notify us by phone immediately, and we will arrange to have it returned to us. Thank you for your cooperation.

MATT J. HOWARD

ATTORNEY AT LAW

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

EMAIL: MHOWARD@FIBERPIPE.NET

April 21, 2003

Via Facsimile & U. S. Mail

Glen Saxton, P.E.

Idaho Department of Water Resources

1301 N. Orchard St.

Boise, ID 83706-2237

RE: In the Matter of Amendment of Permit No. 63-12448 - City of Eagle

Dear Mr. Saxton:

Over the weekend I received in the mail a letter from Bruce Smith, the attorney for the applicant in the above-referenced matter, dated April 18, 2003, indicating that "discovery is substantially complete" and requesting a hearing date.

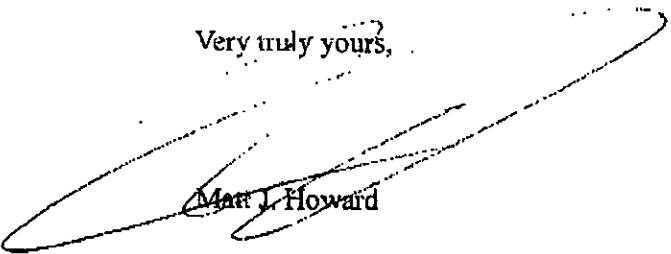
Contrary to the applicant's assertion, discovery is not substantially complete. Mr. Smith and I have exchanged a number of communications relating to the incomplete discovery responses tendered by the applicant to date. My notes show that our last communication occurred on April 1, 2003, during a telephone conversation wherein Mr. Smith and I had agreed that he was going to re-review the Estate's discovery requests and contact me so we could go through item-by-item the outstanding discovery issues and attempt to resolve those issues, thus avoiding the need for the Estate to file a motion for an order compelling the applicant to provide complete and responsive answers. Mr. Smith has not contacted me since that date to work through the issues. I had assumed he was getting additional documents or information together.

I was quite surprised to receive Mr. Smith's letter indicating that discovery was substantially complete and that a hearing should be scheduled. Since the applicant appears intent on pressing this matter to a hearing without remedying the outstanding discovery issues, the Estate will need to file a motion to compel requesting that the hearing officer order the applicant to provide responsive answers to the Estate's discovery requests.

To avoid putting the cart before the horse, it would be better if scheduling issues were addressed following the hearing officer's ruling on the outstanding discovery issues. I will expedite the filing of the motion to avoid any delay. Furthermore, I am unavailable during July and August for a contested case hearing, but I am available during September and October.

APRIL 21, 2003

Very truly yours,


Matt J. Howard

Cc: Client
All Protestants
Bruce Smith, Esq.

Glen Saxton

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

225 NORTH 9TH STREET, SUITE 420
BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

RANSOM J. BAILEY
SUSAN E. BUXTON*
MICHAEL C. MOORE†
BRUCE M. SMITH
PAUL A. TURCKE*
CHRISTOPHER E. YORGASON
TAMMY A. ZOKAN*

RECEIVED

APR 25 2003

Department of Water Resources
JOHN J. MCFADDEN*
Of Counsel

* Also admitted in Oregon
† Also admitted in Washington
* Also admitted in South Dakota
* Also admitted in New Mexico

April 18, 2003

Idaho Department Water Resources
Attn: Glen Saxton
1301 Orchard Street
Boise, ID 83706

RE: City of Eagle, Application for Permit No. 63-12648

RECEIVED

APR 21 2003

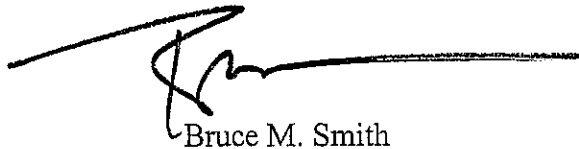
**WATER RESOURCES
WESTERN REGION**

Dear Mr. Saxton:

The City of Eagle has requested an independent hearing officer be appointed to conduct the hearing in this matter. The basis for that request is, in part, the submittal of certain information by some of the Protestants to the Department. The City of Eagle suggests that Mr. Norm Young would be a good hearing officer.

This matter has been delayed for quite some time due to Protestants request for discovery. Discovery is substantially complete. The City of Eagle requests a hearing in July. Anytime after July 8 would be acceptable. We would anticipate no more than two days would be required.

Sincerely,



Bruce M. Smith

BMS/aad
cc All Protestants



RICHARDSON & O'LEARY
ATTORNEYS AT LAW

Tel: 208-938-7900 Fax: 208-938-7901
P.O. Box 1849 99 East State Street, Eagle, Idaho 83616

RECEIVED

APR 15 2003

Department of Water Resources

FAX

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE MAY BE PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED BELOW. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, (COLLECT IF NECESSARY) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. MAIL.

To: Glen Saxton

From: Molly O'Leary

Fax: 327-7866

Pages: 3

Phone:

Date: 4/15/03

Re: Notice of Compliance

CC:

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• Comments:

Please see attached.

Molly O'Leary (ISB No.4996)
Richardson & O'Leary
99 East State Street, Suite 200
P.O. Box 1849
Eagle, Idaho 83616
Telephone: (208) 938-7900
Fax: (208) 938-7904

Attorneys for Eagle Water Company

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF .

CITY OF EAGLE, PETITIONER

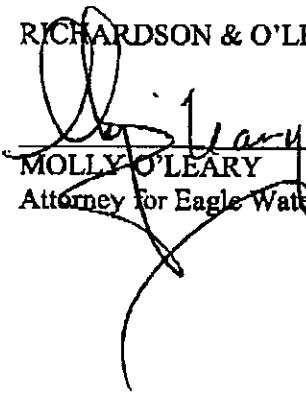
APPLICATION FOR PERMIT NO. 63-12448

NOTICE OF COMPLIANCE

COMES NOW, Eagle Water Company, Inc. ("Eagle Water") and gives notice that Eagle Water served its first responses to the City of Eagle's First Set of Interrogatories, Requests for Admissions, and Requests for Production on the 14th day of April, 2003, via U.S. Mail.

DATED this 15th day of April, 2003

RICHARDSON & O'LEARY, PLLC


MOLLY O'LEARY

Attorney for Eagle Water Company, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15 day of April, 2003, I caused to be served, by the method indicated below, a true and correct copy of the foregoing NOTICE OF COMPLIANCE to the following:

Via Facsimile

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705
(208) 334-2348

Matt Howard
2402 W. Jefferson
Boise, Idaho 83702
(208) 333-8409

Bruce Smith, Esq.
Moore, Smith, Buxton & Turcke
225 N. 9th Street, Suite 240
Boise, Idaho 83702
(208) 331-1202

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, Idaho 83706
(208) 327-7866

Via U.S. Mail, postage pre-paid

Jim Burton
1896 N. Eagle Road
Eagle, Idaho 83616

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, Idaho 83616


Nina M. Curtis



RICHARDSON & O'LEARY

ATTORNEYS AT LAW

Tel: 208-938-7900 Fax: 208-938-7904

P.O. Box 1849 99 East State Street, Eagle, Idaho 83616

FAX

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE MAY BE PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED BELOW. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, (COLLECT IF NECESSARY) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. MAIL.

To: IDWR – Western Region

From: Molly O'Leary

Fax: 334-2348

Pages: 3

Phone:

Date: 4/15/03

Re: Notice of Compliance

CC:

☐ **Urgent**

☐ **For Review**

☐ **Please Comment**

☐ **Please Reply**

☐ **Please Recycle**

• **Comments:**

Please see attached.

Molly O'Leary (ISB No.4996)
Richardson & O'Leary
99 East State Street, Suite 200
P.O. Box 1849
Eagle, Idaho 83616
Telephone: (208) 938-7900
Fax: (208) 938-7904

Attorneys for Eagle Water Company

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF .

CITY OF EAGLE, PETITIONER

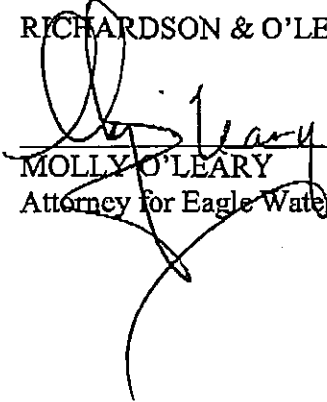
APPLICATION FOR PERMIT NO. 63-12448

NOTICE OF COMPLIANCE

COMES NOW, Eagle Water Company, Inc. ("Eagle Water") and gives notice that Eagle Water served its first responses to the City of Eagle's First Set of Interrogatories, Requests for Admissions, and Requests for Production on the 14th day of April, 2003, via U.S. Mail.

DATED this 15th day of April, 2003

RICHARDSON & O'LEARY, PLLC


MOLLY O'LEARY

Attorney for Eagle Water Company, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15 day of April, 2003, I caused to be served, by the method indicated below, a true and correct copy of the foregoing NOTICE OF COMPLIANCE to the following:

Via Facsimile

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705
(208) 334-2348

Matt Howard
2402 W. Jefferson
Boise, Idaho 83702
(208) 333-8409

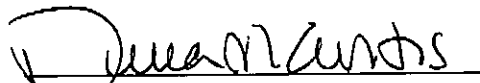
Bruce Smith, Esq.
Moore, Smith, Buxton & Turcke
225 N. 9th Street, Suite 240
Boise, Idaho 83702
(208) 331-1202

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, Idaho 83706
(208) 327-7866

Via U.S. Mail, postage pre-paid

Jim Burton
1896 N. Eagle Road
Eagle, Idaho 83616

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, Idaho 83616


Nina M. Curtis

MATT J. HOWARD

ATTORNEY AT LAW

RECEIVED

APR 14 2003

Department of Water Resources

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

EMAIL: MHOWARD@FIBERPIPE.NET

April 11, 2003

Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237

RE: In the Matter of Amendment of Permit No. 63-12448 – City of Eagle

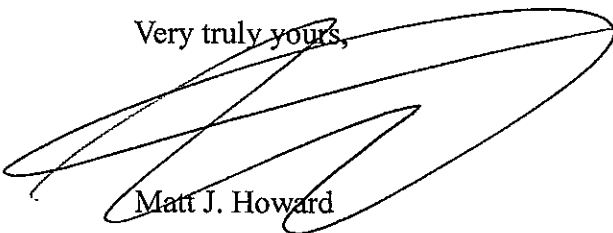
Dear Clerk:

Enclosed for filing with the Idaho Department of Water Resources in the above-referenced matter are the following:

- *Estate's Response to Applicant's Second Set of Interrogatories, Requests for Admissions, and Production; and*
- *Notice of Service of Discovery.*

I have also enclosed an additional copy of those documents that I would ask that you conform and return to me in the enclosed envelope. Thank you very much.

Very truly yours,



Matt J. Howard

Enclosures
Cc: Client

RECEIVED

APR 14 2003

Department of Water Resources

MATT J. HOWARD
Attorney at Law
P. O. Box 190012
Boise, Idaho 83719
Telephone: (208) 333-0622
Facsimile: (208) 333-8409

Attorney for the Estate of Eleanor I. Chase

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF) NOTICE OF SERVICE OF DISCOVERY
APPLICATION FOR PERMIT NO. 63-12448)
IN THE NAME OF THE CITY OF EAGLE)
_____)

The Estate of Eleanor I. Chase ("Estate"), by and through its attorney of record, Matt J. Howard, hereby gives notice, pursuant to IDAPA 37.01.01.520 *et seq* and the Idaho Rules of Civil Procedure, that the ESTATE'S RESPONSE TO APPLICANT'S SECOND SET OF INTERROGATORIES, REQUESTS FOR ADMISSIONS, AND PRODUCTION was served via facsimile on Bruce M. Smith, Moore Smith Buxton & Turcke, Chtd., counsel for Applicant, City of Eagle, on the date first indicated below.

DATED this 11 day of April, 2003.



MATT J. HOWARD
Attorney for Estate

CERTIFICATE OF SERVICE

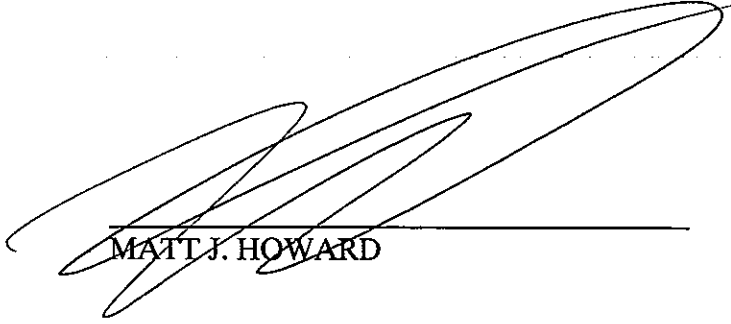
The undersigned certifies that on the 11 day of April 2003, a true and correct copy of the within and foregoing document was sent to the following person(s) as indicated below:

Jim Burton *Via U.S. Mail*
1896 N. Eagle. Rd.
Eagle, ID 83616

Weldon Fisher *Via U.S. Mail*
546 E. Beacon Light Rd.
Eagle, ID 83616

Molly O'Leary, Esq. *Via Facsimile*
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

Bruce Smith, Esq. *Via Facsimile*
Moore Smith Buxton & Turcke, Chtd
225 N. 9th St., Ste. 420
Boise, ID 83702



MATT J. HOWARD

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24 day of March, 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF COMPLIANCE by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Matt Howard
P.O. Box 190012
Boise, Idaho 83719

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



TAMMY A. ZOKAN

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

RECEIVED

MAR 24 2003

WATER RESOURCES
WESTERN REGION

RECEIVED

APR - 3 2003

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF

CITY OF EAGLE, PETITIONER

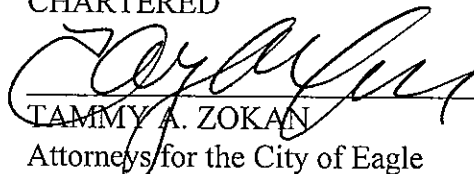
APPLICATION FOR PERMIT NO. 63-12448

) NOTICE OF SERVICE
)
)
)
)
)
)
)
)
)

COMES NOW, the City of Eagle, and gives notice that the City served its Second Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents on the 24th day of March, 2003, via U.S. Mail.

DATED this 24 day of March, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN
Attorneys for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24 day of March, 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF SERVICE by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Matt Howard
P.O. Box 190012
Boise, Idaho 83719

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile


TAMMY A. ZOKAN

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

RECEIVED

MAR 24 2003

WATER RESOURCES
WESTERN REGION

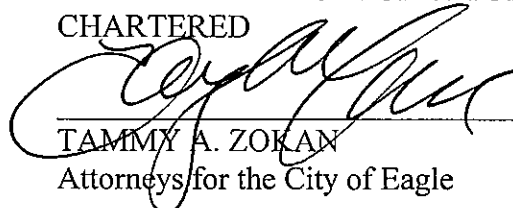
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	NOTICE OF COMPLIANCE
	)	
CITY OF EAGLE, PETITIONER	)	
	)	
APPLICATION FOR PERMIT NO. 63-12448	)	
	)	
_____	)	

COMES NOW, the City of Eagle, and gives notice that the City served its First Supplemental Response to the Eagle Water Company, Inc.'s First Set of Requests for Production on the 24th day of March, 2003, via U.S. Mail.

DATED this 24 day of March, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN
Attorneys for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24 day of March, 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF COMPLIANCE by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Matt Howard
P.O. Box 190012
Boise, Idaho 83719

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile


TAMMY A. ZOKAN

MATT J. HOWARD
ATTORNEY AT LAW

P. O. BOX 190012
BOISE, IDAHO 83719
TELEPHONE (208) 333-0622
FACSIMILE (208) 333-8409

RECEIVED
MAR 19 2003
Department of Water Resources
EMAIL: MHOWARD@FIBERPIPE.NET

March 18, 2003

Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237

RE: In the Matter of Amendment of Permit No. 63-12448 – City of Eagle

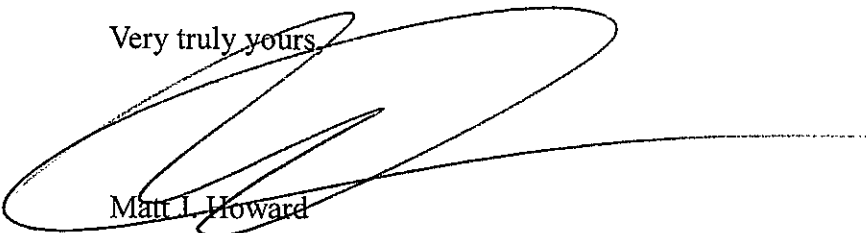
Dear Clerk:

Enclosed for filing with the Idaho Department of Water Resources in the above-referenced matter are the following:

- *Estate's Response to Applicant's First Set of Interrogatories, Requests for Admissions, and Production; and*
- *Notice of Service of Discovery.*

I have also enclosed an additional copy of those documents that I would ask that you conform and return to me in the enclosed envelope. Thank you very much.

Very truly yours,


Matt J. Howard

Enclosures
Cc: Client

MATT J. HOWARD
Attorney at Law
P. O. Box 190012
Boise, Idaho 83719
Telephone: (208) 333-0622
Facsimile: (208) 333-8409

RECEIVED
MAR 19 2003
Department of Water Resources

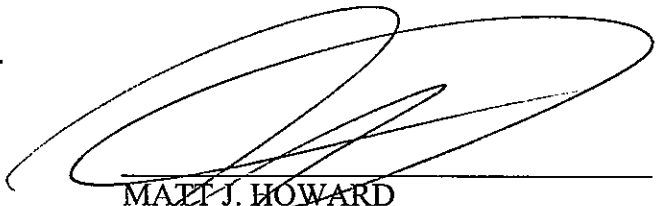
Attorney for the Estate of Eleanor I. Chase

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF) NOTICE OF SERVICE OF DISCOVERY
APPLICATION FOR PERMIT NO. 63-12448)
IN THE NAME OF THE CITY OF EAGLE)
_____)

The Estate of Eleanor I. Chase ("Estate"), by and through its attorney of record, Matt J. Howard, hereby gives notice, pursuant to IDAPA 37.01.01.520 *et seq* and the Idaho Rules of Civil Procedure, that the ESTATE'S RESPONSE TO APPLICANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR ADMISSIONS, AND PRODUCTION was served via facsimile on Bruce M. Smith, Moore Smith Buxton & Turcke, Chtd., counsel for Applicant, City of Eagle, on March 18, 2003.

DATED this 18 day of March, 2003.


MATT J. HOWARD
Attorney for Estate

CERTIFICATE OF SERVICE

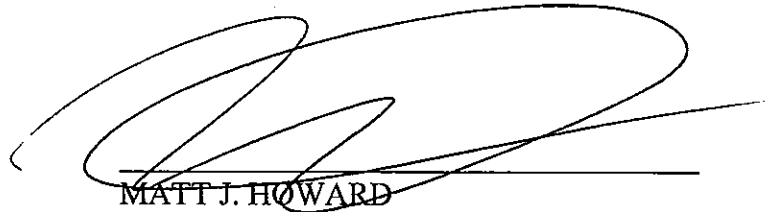
The undersigned certifies that on the 18 day of March 2003, a true and correct copy of the within and foregoing document was sent to the following person(s) as indicated below:

Jim Burton *Via U.S. Mail*
1896 N. Eagle. Rd.
Eagle, ID 83616

Weldon Fisher *Via U.S. Mail*
546 E. Beacon Light Rd.
Eagle, ID 83616

Molly O'Leary, Esq. *Via Facsimile*
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

Bruce Smith, Esq. *Via Facsimile*
Moore Smith Buxton & Turcke, Chtd
225 N. 9th St., Ste. 420
Boise, ID 83702



MATT J. HOWARD

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

RECEIVED

MAR 17 2003

WATER RESOURCES
WESTERN REGION

RECEIVED

MAR 21 2003

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

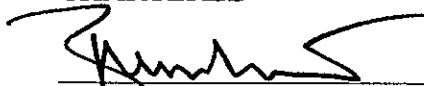
Department of Water Resources

IN THE MATTER OF	)	NOTICE OF COMPLIANCE
	)	
CITY OF EAGLE, PETITIONER	)	
	)	
APPLICATION FOR PERMIT NO. 63-12448	)	
	)	
	)	

COMES NOW, the City of Eagle, and gives notice that the City served its responses to the Eagle Water Company's First Set of Interrogatories, and Requests for Production of Documents on the 14th day of March, 2003, via U.S. Mail.

DATED this 14 day of March, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



BRUCE M. SMITH

Attorneys for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14 day of March, 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF COMPLIANCE by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Matt Howard
P.O. Box 190012
Boise, Idaho 83719

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



BRUCE M. SMITH

Glen Saxon
State Office

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

RECEIVED

MAR 17 2003

WATER RESOURCES
WESTERN REGION

RECEIVED

MAR 19 2003

Department of Water Resources

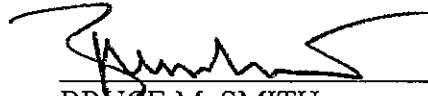
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	NOTICE OF COMPLIANCE
	)	
CITY OF EAGLE, PETITIONER	)	
	)	
APPLICATION FOR PERMIT NO. 63-12448	)	
	)	
	)	

COMES NOW, the City of Eagle, and gives notice that the City served its responses to the Eagle Water Company's First Set of Interrogatories, and Requests for Production of Documents on the 14th day of March, 2003, via U.S. Mail.

DATED this 14 day of March, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



BRUCE M. SMITH
Attorneys for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14 day of March, 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF COMPLIANCE by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Matt Howard
P.O. Box 190012
Boise, Idaho 83719

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



BRUCE M. SMITH

RECEIVED

MAR 17 2003

Department of Water Resources

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

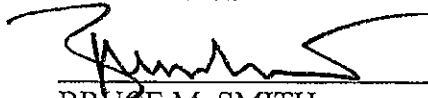
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	NOTICE OF COMPLIANCE
	)	
CITY OF EAGLE, PETITIONER	)	
	)	
APPLICATION FOR PERMIT NO. 63-12448	)	
	)	
	)	

COMES NOW, the City of Eagle, and gives notice that the City served its responses to the Eagle Water Company's First Set of Interrogatories, and Requests for Production of Documents on the 14th day of March, 2003, via U.S. Mail.

DATED this 14 day of March, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



BRUCE M. SMITH

Attorneys for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14 day of March, 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF COMPLIANCE by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Matt Howard
P.O. Box 190012
Boise, Idaho 83719

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



BRUCE M. SMITH

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

RECEIVED
MAR 12 2003
Department of Water Resources

Attorneys for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	NOTICE OF COMPLIANCE
	)	
CITY OF EAGLE, PETITIONER	)	
	)	
APPLICATION FOR PERMIT NO. 63-12448	)	
	)	
	)	

COMES NOW, the City of Eagle, and gives notice that the City served its second supplemental responses to the Chase Estate's First Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents on Matt Howard, attorney for the Chase Estate, via U.S. Mail, on the 11th day of March, 2003.

DATED this 11 day of March, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED


TAMMY A. ZOKAN
Attorneys for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11 day of March, 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF COMPLIANCE by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Matt Howard
P.O. Box 190012
Boise, Idaho 83719

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

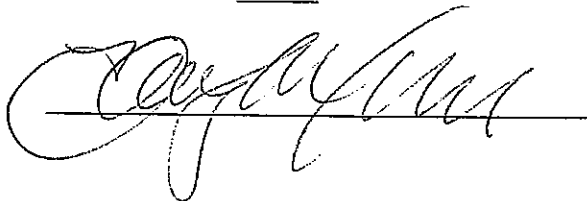
☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

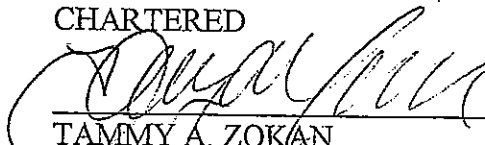
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	NOTICE OF COMPLIANCE
	)	
CITY OF EAGLE, PETITIONER	)	
	)	
APPLICATION FOR PERMIT NO. 63-12448	)	
	)	
	)	

COMES NOW, the City of Eagle, and gives notice that the City served its responses to the Eagle Water Company's First Set of Requests for Admissions on Molly O'Leary, attorney for the Eagle Water Company, the 7th day of March, 2003 via hand-delivery and U.S. Mail, and that the City served its responses to the Eagle Water Company's Requests for Production of Documents Nos. 1-15 on Ms. O'Leary via U.S. Mail, on the 11th day of March, 2003.

DATED this 11 day of March, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN
Attorneys for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11 day of March, 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF COMPLIANCE by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

X U.S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile

Matt Howard
P.O. Box 190012
Boise, Idaho 83719

X U.S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

X U.S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

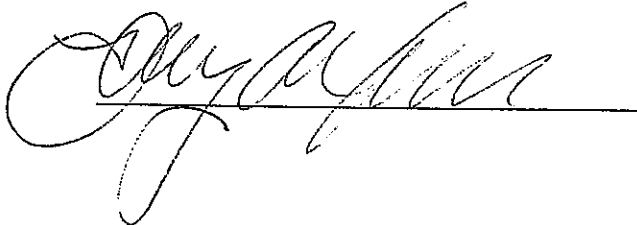
X U.S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

X U.S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

X U.S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile



RECEIVED

MAR 14 2003

Department of Water Resources

RECEIVED

MAR 11 2003

WATER RESOURCES
WESTERN REGION

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	NOTICE OF COMPLIANCE
	)	
CITY OF EAGLE, PETITIONER	)	
	)	
APPLICATION FOR PERMIT NO. 63-12448	)	
	)	
	)	

COMES NOW, the City of Eagle, and gives notice that the City served its second supplemental responses to the Chase Estate's First Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents on Matt Howard, attorney for the Chase Estate, via U.S. Mail, on the 11th day of March, 2003.

DATED this 11 day of March, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN
Attorneys for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11 day of March, 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF COMPLIANCE by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Matt Howard
P.O. Box 190012
Boise, Idaho 83719

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

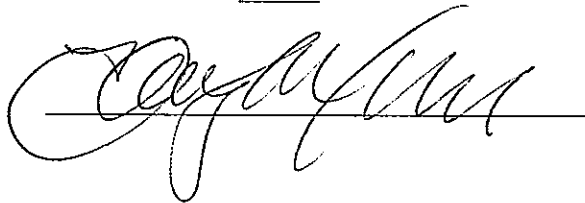
☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



RECEIVED

MAR 14 2003

Department of Water Resources

RECEIVED

MAR 11 2003

WATER RESOURCES
WESTERN REGION

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

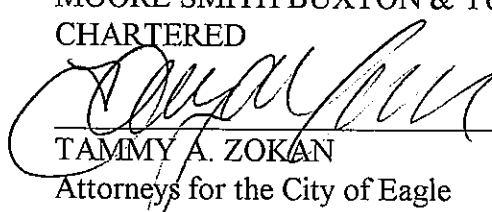
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	NOTICE OF COMPLIANCE
	)	
CITY OF EAGLE, PETITIONER	)	
	)	
APPLICATION FOR PERMIT NO. 63-12448	)	
	)	
	)	

COMES NOW, the City of Eagle, and gives notice that the City served its responses to the Eagle Water Company's First Set of Requests for Admissions on Molly O'Leary, attorney for the Eagle Water Company, the 7th day of March, 2003 via hand-delivery and U.S. Mail, and that the City served its responses to the Eagle Water Company's Requests for Production of Documents Nos. 1-15 on Ms. O'Leary via U.S. Mail, on the 11th day of March, 2003.

DATED this 11 day of March, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED


TAMMY A. ZOKAN

Attorneys for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11 day of March, 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF COMPLIANCE by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

X U.S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile

Matt Howard
P.O. Box 190012
Boise, Idaho 83719

X U.S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

X U.S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

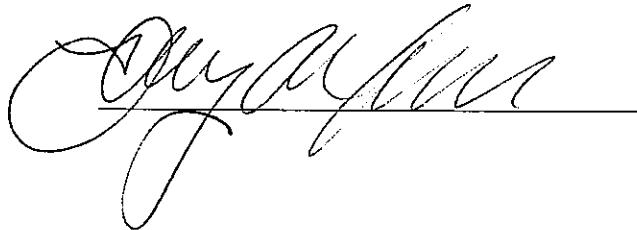
X U.S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

X U.S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

X U.S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile



MAR - 7 2003

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

RECEIVED

MAR - 6 2003

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	AFFIDAVIT OF TAMMY A.
	)	ZOKAN IN SUPPORT OF
CITY OF EAGLE, PETITIONER	)	APPLICANT'S RESPONSE IN
	)	OBJECTION TO THE CHASE
APPLICATION FOR PERMIT NO. 63-12448	)	ESTATE'S MOTION FOR
	)	SANCTIONS

STATE OF IDAHO)
)ss.
County of Ada)

I, TAMMY A. ZOKAN, based upon my personal knowledge and being first duly sworn upon oath, deposes and says:

1. I am an attorney employed by MOORE SMITH BUXTON & TURCKE, CHARTERED, attorneys for the City of Eagle in the above-entitled case.
2. Moore Smith Buxton & Turcke maintains two addresses for Mr. Matt Howard:
 - (a) 2402 W. Jefferson, Boise, Idaho 83702; and
 - (b) P.O. Box 190012, Boise, Idaho 83719.
3. I have used the two addresses identified in paragraph 2 to correspond with Mr. Matt Howard regarding this matter, which has been ongoing for more than one year. I assumed the

two addresses were consistent. My assumption was based upon: (1) the fact many offices maintain a physical address and a mailing address, both of which may be used for correspondence; (2) the fact I never received notice that one or both of the two addresses were invalid; (3) the fact that before the late afternoon on February 28, 2003, none of the correspondence I mailed to Mr. Howard at the two addresses was ever returned to me; (4) the fact that before March 3, 2003, Mr. Howard never objected to the use of one or both of the two addresses.

4. Mr. Howard served Discovery on the City of Eagle via facsimile on February 5, 2003. The Discovery stated, in part: "The time and place for the production and inspection of documents, herein requested, shall be at 10:00 o'clock a.m., February 20, 2003, at the Law Office of Matt J. Howard, 2125 S. Sumpter Way, Boise, Idaho." Because of Mr. Howard's specific instruction, I directed my assistant to hand-deliver the City's response to Mr. Howard at the Sumpter Way address on February 19, 2003.

5. Having received no notice that the two addresses described in paragraph 2 were no longer valid, and for the reasons described in paragraph 3, I did not change Mr. Howard's addresses before sending the City's discovery requests to the Chase Estate.

6. The City served Discovery on Counsel for the Chase Estate via U.S. Mail on February 21, 2003 at 2402 W. Jefferson, Boise, Idaho 83702, the address provided on Mr. Howard's Notice of Appearance in this matter. The mailing was returned to Moore Smith Buxton & Turcke on February 28, 2003. I then resent Discovery to Mr. Howard using the address included on the "return to sender notice."

7. I noted that Mr. Howard's return address as described on the pleadings filed by him in March 2003, still identified the P.O. Box address identified in paragraph 2. I then believed the

P.O. Box address was valid. Consequently, I notified my assistant that we should use the P.O. Box address from then on.

8. Regarding the City's Motion to Reschedule the Hearing, on February 27, 2003, Mr. Bruce Smith called Mr. Howard and left him a message regarding the City's anticipated Motion to Reschedule the Hearing. Mr. Smith advised Mr. Howard of the dates the City would be proposing for the hearing and asked if the dates were acceptable to Mr. Howard. To my knowledge, Mr. Howard has not returned Mr. Smith's telephone call.

9. Later, on February 27, 2003, I asked my assistant to mail the City's Motion to Reschedule the Hearing date to Mr. Howard at the P.O. Box identified in paragraph 2. That mailing has not been returned to me. However, upon receiving Mr. Howard's March 4, 2003 Motion for Sanctions, I asked my assistant if there is any possibility that the envelope addressed to Mr. Howard was erroneously addressed to the Jefferson address. She said there is that possibility.

10. It has been my experience in these situations that a notice of change of address is the proper procedure to ensure everyone is informed of the change and situations like this do not occur. It also has been my experience when these situations occur, they are remedied by a simple phone call between counsel, not by the filing of a Motion to Strike.

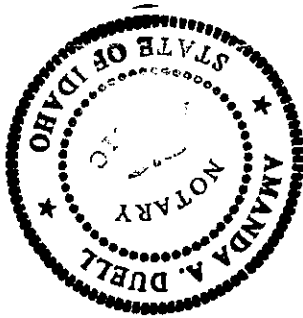
11. It has not been and was never the City's intention to shorten Mr. Howard's time to respond. Had he simply called and said he did not receive the correspondence for whatever reason, it is this firm's practice to accommodate an extension of time under these circumstances. Moreover, the City has no objection to Mr. Howard's taking the full time allowed for responding to the City's discovery.

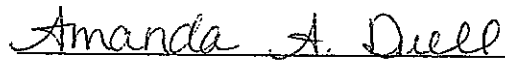
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 5 day of March, 2003.


TAMMY A. ZOKAN

SUBSCRIBED AND SWORN TO before me this 5 day of March, 2003.




NOTARY PUBLIC FOR IDAHO
Residing at: Boise, ID
My Commission Expires: 5-5-2004

CERTIFICATE OF SERVICE

I hereby certify that on this 5 day of March, 2003, a true and correct copy of the foregoing Affidavit of Tammy A. Zokan was served upon the following by the method indicated below:

IDWR State Office
Hearing Officer
Glen Saxton
1301 N. Orchard Street
Boise, ID 83706

X via U.S. MAIL
____ via HAND DELIVERY
____ via OVERNIGHT MAIL
____ via FACSIMILE

Jim Burton
1896 N. Eagle. Rd.
Eagle, ID 83616

X via U.S. MAIL
____ via HAND DELIVERY
____ via OVERNIGHT MAIL
____ via FACSIMILE

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, ID 83616

X via U.S. MAIL
____ via HAND DELIVERY
____ via OVERNIGHT MAIL
____ via FACSIMILE

Molly O'Leary, Esq.
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

X via U.S. MAIL
____ via HAND DELIVERY
____ via OVERNIGHT MAIL
____ via FACSIMILE

Matt Howard, Esq.
P.O. Box 190012
Boise, Idaho 83719

X via U.S. MAIL
____ via HAND DELIVERY
____ via OVERNIGHT MAIL
____ via FACSIMILE



TAMMY A. ZOKAN

RECEIVED

MAR - 7 2003

Department of Water Resources

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

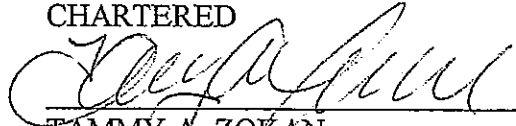
IN THE MATTER OF	)	APPLICANT'S RESPONSE IN
	)	OBJECTION TO THE CHASE
CITY OF EAGLE, PETITIONER	)	ESTATE'S MOTION FOR
	)	SANCTIONS
APPLICATION FOR PERMIT NO. 63-12448	)	
_____	)	

COMES NOW the Applicant, City of Eagle, by and through its attorney of record and responds in objection to the Chase Estate's Motion for Sanctions, dated March 4, 2003. The City's response is supported by the Affidavit of Tammy A. Zokan filed concurrently herewith. For the reasons stated in Ms. Zokan's Affidavit, sanctions are not warranted under these circumstances. Additionally, Idaho Department of Water Resources Rule 531 does not provide a basis for the Estate's Motion for Sanctions. IDAPA 37.01.01.531 (Rule 531) deals with orders compelling discovery. The Department issued an Order authorizing discovery on February 4, 2003. The Department has not issued an order compelling discovery in this case. Accordingly, the City respectfully requests that the Estate's Motion for Sanctions be denied. Finally, the City hereby withdraws any objection to the Estate's requested extension of time and consents

to the Chase Estate taking the full time allowed by the Idaho Rules of Civil Procedure for responding to discovery.

DATED this 5 day of March, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED

A handwritten signature in cursive script, appearing to read "Tammy A. Zokan", is written over a horizontal line.

TAMMY A. ZOKAN
Attorney for City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5 day of March, 2003 I caused to be served a true and correct copy of the foregoing RESPONSE IN OBJECTION TO MOTION TO FOR SANCTIONS via the method indicated below:

IDWR State Office
Hearing Officer
Glen Saxton
1301 N. Orchard Street
Boise, ID 83706

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Jim Burton
1896 N. Eagle. Rd.
Eagle, ID 83616

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, ID 83616

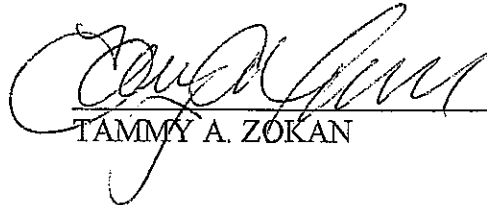
☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Molly O'Leary, Esq.
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Matt Howard, Esq.
P.O. Box 190012
Boise, Idaho 83719

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE


TAMMY A. ZOKAN

RECEIVED

MAR 10 2003

Department of Water Resources

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

RECEIVED

MAR 05 2003

WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

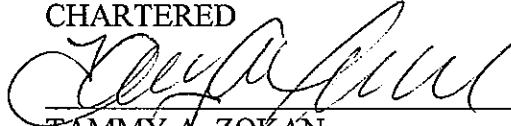
IN THE MATTER OF	)	APPLICANT'S RESPONSE IN
	)	OBJECTION TO THE CHASE
CITY OF EAGLE, PETITIONER	)	ESTATE'S MOTION FOR
	)	SANCTIONS
APPLICATION FOR PERMIT NO. 63-12448	)	
_____	)	

COMES NOW the Applicant, City of Eagle, by and through its attorney of record and responds in objection to the Chase Estate's Motion for Sanctions, dated March 4, 2003. The City's response is supported by the Affidavit of Tammy A. Zokan filed concurrently herewith. For the reasons stated in Ms. Zokan's Affidavit, sanctions are not warranted under these circumstances. Additionally, Idaho Department of Water Resources Rule 531 does not provide a basis for the Estate's Motion for Sanctions. IDAPA 37.01.01.531 (Rule 531) deals with orders compelling discovery. The Department issued an Order authorizing discovery on February 4, 2003. The Department has not issued an order compelling discovery in this case. Accordingly, the City respectfully requests that the Estate's Motion for Sanctions be denied. Finally, the City hereby withdraws any objection to the Estate's requested extension of time and consents

to the Chase Estate taking the full time allowed by the Idaho Rules of Civil Procedure for responding to discovery.

DATED this 5 day of March, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED

A handwritten signature in cursive script, appearing to read "Tammy A. Zokan", is written over a horizontal line.

TAMMY A. ZOKAN
Attorney for City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5 day of March, 2003 I caused to be served a true and correct copy of the foregoing RESPONSE IN OBJECTION TO MOTION TO FOR SANCTIONS via the method indicated below:

IDWR State Office
Hearing Officer
Glen Saxton
1301 N. Orchard Street
Boise, ID 83706

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Jim Burton
1896 N. Eagle. Rd.
Eagle, ID 83616

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, ID 83616

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Molly O'Leary, Esq.
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Matt Howard, Esq.
P.O. Box 190012
Boise, Idaho 83719

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE



TAMMY A. ZOKAN

Attorneys for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

STATE OF IDAHO)
)ss.
County of Ada)

AFFIDAVIT OF TAMMY A. ZOKAN- PAGE 1

two addresses were consistent. My assumption was based upon: (1) the fact many offices maintain a physical address and a mailing address, both of which may be used for correspondence; (2) the fact I never received notice that one or both of the two addresses were invalid; (3) the fact that before the late afternoon on February 28, 2003, none of the correspondence I mailed to Mr. Howard at the two addresses was ever returned to me; (4) the fact that before March 3, 2003, Mr. Howard never objected to the use of one or both of the two addresses.

4. Mr. Howard served Discovery on the City of Eagle via facsimile on February 5, 2003. The Discovery stated, in part: "The time and place for the production and inspection of documents, herein requested, shall be at **10:00 o'clock a.m., February 20, 2003**, at the Law Office of Matt J. Howard, 2125 S. Sumpter Way, Boise, Idaho." Because of Mr. Howard's specific instruction, I directed my assistant to hand-deliver the City's response to Mr. Howard at the Sumpter Way address on February 19, 2003.

5. Having received no notice that the two addresses described in paragraph 2 were no longer valid, and for the reasons described in paragraph 3, I did not change Mr. Howard's addresses before sending the City's discovery requests to the Chase Estate.

6. The City served Discovery on Counsel for the Chase Estate via U.S. Mail on February 21, 2003 at 2402 W. Jefferson, Boise, Idaho 83702, the address provided on Mr. Howard's Notice of Appearance in this matter. The mailing was returned to Moore Smith Buxton & Turcke on February 28, 2003. I then resent Discovery to Mr. Howard using the address included on the "return to sender notice."

7. I noted that Mr. Howard's return address as described on the pleadings filed by him in March 2003, still identified the P.O. Box address identified in paragraph 2. I then believed the

P.O. Box address was valid. Consequently, I notified my assistant that we should use the P.O. Box address from then on.

8. Regarding the City's Motion to Reschedule the Hearing, on February 27, 2003, Mr. Bruce Smith called Mr. Howard and left him a message regarding the City's anticipated Motion to Reschedule the Hearing. Mr. Smith advised Mr. Howard of the dates the City would be proposing for the hearing and asked if the dates were acceptable to Mr. Howard. To my knowledge, Mr. Howard has not returned Mr. Smith's telephone call.

9. Later, on February 27, 2003, I asked my assistant to mail the City's Motion to Reschedule the Hearing date to Mr. Howard at the P.O. Box identified in paragraph 2. That mailing has not been returned to me. However, upon receiving Mr. Howard's March 4, 2003 Motion for Sanctions, I asked my assistant if there is any possibility that the envelope addressed to Mr. Howard was erroneously addressed to the Jefferson address. She said there is that possibility.

10. It has been my experience in these situations that a notice of change of address is the proper procedure to ensure everyone is informed of the change and situations like this do not occur. It also has been my experience when these situations occur, they are remedied by a simple phone call between counsel, not by the filing of a Motion to Strike.

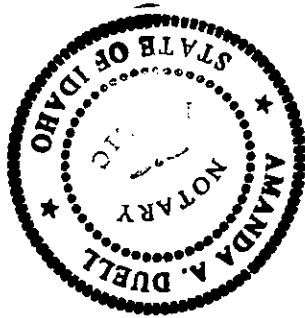
11. It has not been and was never the City's intention to shorten Mr. Howard's time to respond. Had he simply called and said he did not receive the correspondence for whatever reason, it is this firm's practice to accommodate an extension of time under these circumstances. Moreover, the City has no objection to Mr. Howard's taking the full time allowed for responding to the City's discovery.

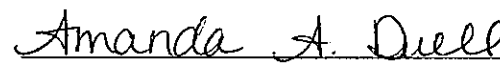
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 5 day of March, 2003.


TAMMY A. ZOKAN

SUBSCRIBED AND SWORN TO before me this 5 day of March, 2003.




NOTARY PUBLIC FOR IDAHO
Residing at: Boise, ID
My Commission Expires: 5-5-2004

CERTIFICATE OF SERVICE

I hereby certify that on this 5 day of March, 2003, a true and correct copy of the foregoing Affidavit of Tammy A. Zokan was served upon the following by the method indicated below:

IDWR State Office
Hearing Officer
Glen Saxton
1301 N. Orchard Street
Boise, ID 83706

X via U.S. MAIL
_____ via HAND DELIVERY
_____ via OVERNIGHT MAIL
_____ via FACSIMILE

Jim Burton
1896 N. Eagle. Rd.
Eagle, ID 83616

X via U.S. MAIL
_____ via HAND DELIVERY
_____ via OVERNIGHT MAIL
_____ via FACSIMILE

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, ID 83616

X via U.S. MAIL
_____ via HAND DELIVERY
_____ via OVERNIGHT MAIL
_____ via FACSIMILE

Molly O'Leary, Esq.
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

X via U.S. MAIL
_____ via HAND DELIVERY
_____ via OVERNIGHT MAIL
_____ via FACSIMILE

Matt Howard, Esq.
P.O. Box 190012
Boise, Idaho 83719

X via U.S. MAIL
_____ via HAND DELIVERY
_____ via OVERNIGHT MAIL
_____ via FACSIMILE



TAMMY A. ZOKAN

MATT J. HOWARD

ATTORNEY AT LAW

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

RECEIVED
EMAIL: MHOWARD@FIBERPIPE.NET
MAR - 5 2003
Department of Water Resources

March 4, 2003

Via U.S. Mail and Facsimile (327-7866)

Idaho Department of Water Resources

1301 N. Orchard St.

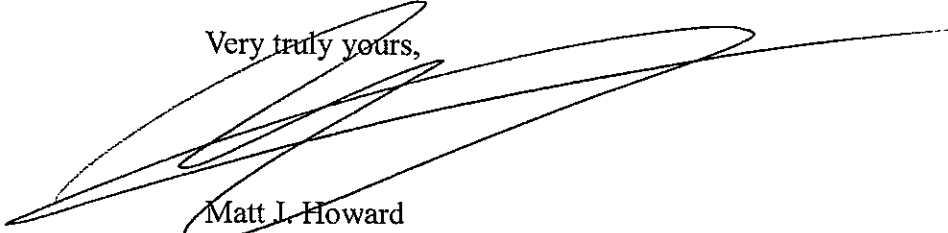
Boise, ID 83706-2237

RE: In the Matter of Amendment of Permit No. 63-12448 – City of Eagle

Dear Clerk:

Enclosed for filing with the Idaho Department of Water Resources in the above-referenced matter is the following: *Reply to Applicant's Response to the Estate's Motion to Strike and Motion for Sanctions*. I have also enclosed an additional copy of that document that I would ask that you conform and return to me in the enclosed envelope. Thank you very much.

Very truly yours,



Matt J. Howard

Enclosures

Cc: Estate of Eleanor I. Chase (w/encls.)

Mike Chase (w/encls.)

RECEIVED

MAR - 5 2003

Department of Water Resources

MATT J. HOWARD
Attorney at Law
P. O. Box 190012
Boise, Idaho 83719
Telephone: (208) 333-0622
Facsimile: (208) 333-8409

Attorney for the Estate of Eleanor I. Chase

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF)
APPLICATION FOR PERMIT NO. 63-12448)
IN THE NAME OF THE CITY OF EAGLE) REPLY TO APPLICANT'S RESPONSE TO
THE ESTATE'S MOTION TO STRIKE AND
MOTION FOR SANCTIONS)
_____)

REPLY

The Estate of Eleanor I. Chase ("Estate"), by and through its attorney Matt J. Howard, reply to the *Applicant's Response in Objection to the Chase Estate's Motion to Strike (Mar. 3, 2003)*.

The Applicant grossly misstates the record in this case. The Applicant claims that the Estate's counsel filed a Notice of Appearance indicating that his mailing address was 2402 W. Jefferson, Boise, Idaho. That is patently false. The only Notice of Appearance filed by counsel in this case was on behalf of Eleanor I. Chase, who subsequently passed away and is no longer a party to this case.

The Estate's counsel filed a *Petition for Intervention of the Estate of Eleanor I. Chase* on June 17, 2002. That Petition constituted counsel's appearance on behalf of the Estate, which is a

REPLY TO APPLICANT'S RESPONSE TO THE ESTATE'S MOTION TO STRIKE AND
MOTION FOR SANCTIONS - 1

separate, distinct entity and party. The petition set forth counsel's address as follows: "Matt J. Howard, Attorney at Law, P. O. Box 190012, Boise, Idaho 83719." The petition for intervention was granted by IDWR, and the order was served on the Estate's counsel at address set forth in the petition. *See Order Granting Intervention (July 11, 2002).*

In addition to record notice, Applicant's counsel also had actual notice of the office of Estate's counsel. However, the Applicant seems to suggest it was unaware that counsel's office was located at 2125 S. Sumpter Way, Boise, Idaho. Let's explore that. Attached as **Exhibit A** is a copy of the "Certificate of Service" signed by the Applicant's counsel showing "hand-delivery" service of the Applicant's discovery responses on the Estate's counsel on "2/19/03." The address on the certificate of service is "P. O. Box 190012, Boise, Idaho 83719."

Moreover, the Applicant's courier arrived at the office of the Estate's attorney at 2125 S. Sumpter Way, Boise, Idaho at approximately 5:05 p.m. on February 19, 2003. The Applicant's courier asked, "Are you Matt Howard?" The Estate's counsel replied, "Yes." The Applicant's courier then handed the Estate's counsel an envelope containing the Applicant's discovery responses, of which the Certificate of Service (attached as Exhibit A) was a part of. Additionally, earlier in 2002, Bruce Smith, counsel for the Applicant, personally visited with the Estate's counsel at his 2125 S. Sumpter Way office to discuss this case. The Applicant, therefore, had ample actual notice of the street address of the office of the Estate's counsel.

Query? Why would the Applicant hand-deliver its discovery responses to the Estate's counsel on February 19, 2003, at 2125 S. Sumpter Way (the Estate counsel's office), and then two (2) days later serve the Estate's counsel with discovery requests by mailing them to 2402 W. Jefferson? Why didn't the Applicant mail its discovery requests to the P. O. Box (which is the address of record for the Estate in this case)? Why didn't it hand-deliver the requests to

counsel's office at 2125 S. Sumpter Way (which Applicant had actual knowledge of and, in fact, used two days earlier)? Why didn't it fax the requests to counsel? Also, IDWR and the other protestants have not experienced any problems with properly serving the Estate's counsel. Why is the Applicant's counsel suddenly experiencing all these difficulties?

These unanswered questions make clear the Applicant's objective. It wants to prejudice the Estate's ability to answer the discovery requests by trying to limit the time that the Estate otherwise would have to respond pursuant to the Department's rules of procedure.

On a related matter, the Estate has also received *Applicant's Motion to Withdraw Applicant's Motion to Reschedule the Hearing (Mar. 3, 2003)*. That motion makes reference to the "City's Motion to Reschedule the Hearing." The Estate's counsel was never served with a copy of that motion. It is very disturbing to find out that the Applicant has only been serving "selected" documents on the Estate's counsel.

MOTION FOR SANCTIONS

Pursuant to IDAPA 37.01.01.531, the Estate hereby moves for an order from IDWR imposing sanctions against the Applicant for failing to properly serve discovery on the Estate coupled with its frivolous and unreasonable opposition to the Estate's Motion to Strike. The Applicant's unreasonable actions have caused the Estate to unnecessarily incur additional fees and costs. While the Applicant may feel its deep pockets allow it to engage in unnecessary litigation tactics, the Estate and other protestants should not be forced to bear the financial burden of those tactics.

DATED this 4 day of March, 2003.


MATT J. HOWARD
Attorney for Estate

CERTIFICATE OF SERVICE

The undersigned certifies that on the 4 day of March 2003, a true and correct copy of the within and foregoing document was sent to the following person(s) by the method indicated below:

Jim Burton
1896 N. Eagle. Rd.
Eagle, ID 83616
U.S. Mail

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, ID 83616
U.S. Mail

Molly O'Leary, Esq.
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616
Facsimile

Bruce Smith, Esq.
Moore Smith Buxton & Turcke, Chtd
225 N. 9th St., Ste. 420
Boise, ID 83702
Facsimile


MATT J. HOWARD

DATED this 19 day of February, 2003.

Lynne Sedlacek, Councilwoman
City of Eagle

Tammy A. Zokan
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

The undersigned certifies that on the 19th day of February 2003, a true and correct copy of the City's Response to the Chase Protestants First Set of Interrogatories, Requests for Production and Requests for Admissions was sent to the following person(s) as indicated below:

IDWR State Office *Via U.S. Mail*
Hearing Officer
Glen Saxton
1301 N. Orchard Street
Boise, ID 83706

Jim Burton *Via U.S. Mail*
1896 N. Eagle. Rd.
Eagle, ID 83616

Weldon Fisher *Via U.S. Mail*
546 E. Beacon Light Rd.
Eagle, ID 83616

Molly O'Leary, Esq. *Via U.S. Mail*
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

Matt Howard, Esq. *Via Hand-delivery* OC 2/19/03
P.O. Box 190012
Boise, Idaho 83719

TAMMY A. ZOKAN

EXHIBIT

A

MATT J. HOWARD

ATTORNEY AT LAW

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

RECEIVED

MAR - 5 2003

Department of Water Resources

EMAIL: MHOWARD@FIBERPIPE.NET

March 3, 2003

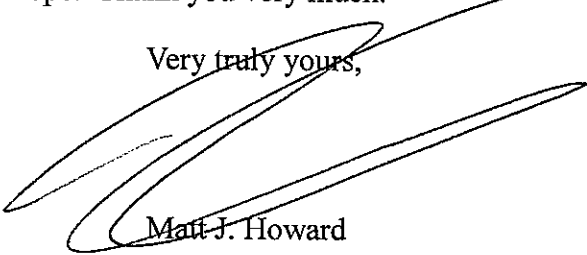
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237

RE: In the Matter of Amendment of Permit No. 63-12448 – City of Eagle

Dear Clerk:

Enclosed for filing with the Idaho Department of Water Resources in the above-referenced matter is the following: Motion to Strike and Preliminary Response to Requests for Admissions. I have also enclosed an additional copy of that document that I would ask that you conform and return to me in the enclosed envelope. Thank you very much.

Very truly yours,



Matt J. Howard

Enclosures

Cc: Estate of Eleanor I. Chase (w/encls.)

Mike Chase (w/encls.)

RECEIVED
MAR - 5 2003
Department of Water Resources

MATT J. HOWARD
Attorney at Law
P. O. Box 190012
Boise, Idaho 83719
Telephone: (208) 333-0622
Facsimile: (208) 333-8409

Attorney for the Estate of Eleanor I. Chase

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF)
APPLICATION FOR PERMIT NO. 63-12448)
IN THE NAME OF THE CITY OF EAGLE) MOTION TO STRIKE AND PRELIMINARY
) RESPONSE TO REQUESTS FOR
) ADMISSIONS
)
_____)

MOTION TO STRIKE

The Estate of Eleanor I. Chase ("Estate"), by and through its attorney Matt J. Howard, moves the Idaho Department of Water Resources (IDWR) for an order striking the Notice of Service of Discovery Upon the Chase Estate (Feb. 21, 2003) filed by the Applicant City of Eagle ("Applicant"). Pursuant to IDAPA 37.01.01.260, the grounds for this motion are set forth below:

1. On March 1, 2003, the Estate's counsel received in the mail the following documents:

- a. City's of Eagle's First Set of Interrogatories, Requests for Admissions, and Requests for Production to the Chase Estate (Feb. 21, 2003) (hereinafter "Applicant's Discovery Requests"); and

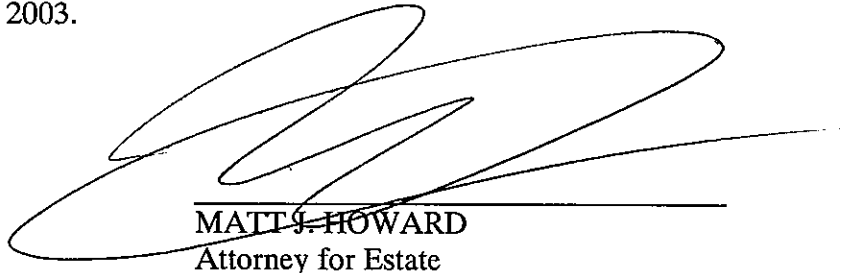
b. Notice of Service of Discovery Upon the Chase Estate (Feb. 21, 2003)
(hereinafter "Applicant's Discovery Notice").

2. Applicant's Discovery Notice erroneously states that counsel for the Estate was served on February 21, 2003.
3. However, the envelope containing Applicant's Discovery Requests is postmarked "February 28, 2003." A copy of the envelope is attached hereto as **Exhibit A**.
4. The Estate's counsel actually received Applicant's Discovery Requests on March 1, 2003.
5. Because the *actual* date of service was February 28, 2003, and not February 21, Applicant's Discovery Notice should be stricken because it contains a material misstatement as to the date of actual service.

PRELIMINARY RESPONSE TO REQUESTS FOR ADMISSIONS

Pursuant to IDAPA 37.01.01.056-057, IDAPA 37.01.01.527, and Rule 36(a) of the Idaho Rules of Civil Procedure, the Estate's responses are to be served 18 days following service of the discovery requests by mail, which in this case puts the discovery response date at March 18, 2003. To the extent the Applicant may demand responses prior to March 18, 2003, the Estate hereby makes a preliminary denial as to all requests for admissions.

DATED this 3 day of March, 2003.



MATT J. HOWARD
Attorney for Estate

CERTIFICATE OF SERVICE

The undersigned certifies that on the 3 day of March 2003, a true and correct copy of the within and foregoing document was sent to the following person(s) by the method indicated below:

Jim Burton
1896 N. Eagle. Rd.
Eagle, ID 83616

U.S. Mail

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, ID 83616

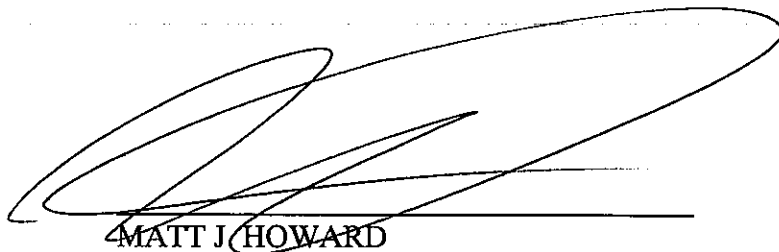
U.S. Mail

Molly O'Leary, Esq.
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

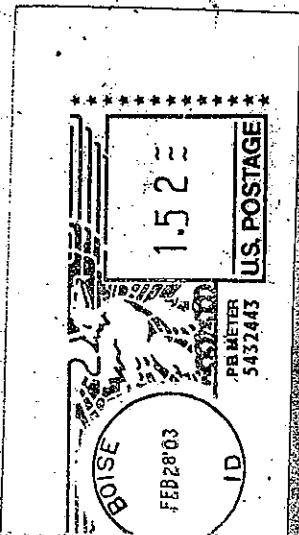
Facsimile

Bruce Smith, Esq.
Moore Smith Buxton & Turcke, Chtd
225 N. 9th St., Ste. 420
Boise, ID 83702

Facsimile



MATT J HOWARD



MOORE SMITH BUXTON & TURCKE, CHARTERED

Law Offices

225 North 9th Street, Suite 420, Boise, Idaho 83702

Matt Howard

2125 S. Sumpter Way

Boise, ID 83709-8134

EXHIBIT A

MATT J. HOWARD

ATTORNEY AT LAW

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

RECEIVED

MAR - 4 2003

EMAIL MHOWARD@FIBERPIPE.NET

Department of Water Resources

FACSIMILE TRANSMITTAL SHEET

TO	FROM:
IDWR	Matt J. Howard
COMPANY:	DATE
	March 4, 2003
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
327-7866	7
RE:	
In the Matter of Amendment of Permit No. 63-12448	
NOTES/COMMENTS:	

CONFIDENTIAL & PRIVILEGED INFORMATION

This facsimile is confidential & privileged. It is for use of the individual(s) named on this cover sheet. If you are not the intended recipient, do not read this facsimile. Any further inspection, dissemination, or copying of this facsimile is prohibited. If you have received this facsimile by error, please notify us by phone immediately, and we will arrange to have it returned to us. Thank you for your cooperation.

MATT J. HOWARD

ATTORNEY AT LAW

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

EMAIL: MHOWARD@FIBERPIPE.NET

March 4, 2003

Via U.S. Mail and Facsimile (327-7866)

Idaho Department of Water Resources

1301 N. Orchard St.

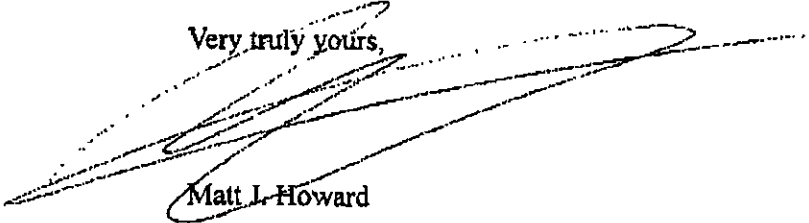
Boise, ID 83706-2237

RE: In the Matter of Amendment of Permit No. 63-12448 – City of Eagle

Dear Clerk:

Enclosed for filing with the Idaho Department of Water Resources in the above-referenced matter is the following: *Reply to Applicant's Response to the Estate's Motion to Strike and Motion for Sanctions*. I have also enclosed an additional copy of that document that I would ask that you conform and return to me in the enclosed envelope. Thank you very much.

Very truly yours,


Matt J. Howard

Enclosures

Cc: Estate of Eleanor I. Chase (w/encls.)

Mike Chase (w/encls.)

MATT J. HOWARD
Attorney at Law
P. O. Box 190012
Boise, Idaho 83719
Telephone: (208) 333-0622
Facsimile: (208) 333-8409

Attorney for the Estate of Eleanor I. Chase

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF }
APPLICATION FOR PERMIT NO. 63-12448 }
IN THE NAME OF THE CITY OF EAGLE } REPLY TO APPLICANT'S RESPONSE TO
THE ESTATE'S MOTION TO STRIKE AND
MOTION FOR SANCTIONS

REPLY

The Estate of Eleanor I. Chase ("Estate"), by and through its attorney Matt J. Howard, reply to the *Applicant's Response in Objection to the Chase Estate's Motion to Strike (Mar. 3, 2003)*.

The Applicant grossly misstates the record in this case. The Applicant claims that the Estate's counsel filed a Notice of Appearance indicating that his mailing address was 2402 W. Jefferson, Boise, Idaho. That is patently false. The only Notice of Appearance filed by counsel in this case was on behalf of Eleanor I. Chase, who subsequently passed away and is no longer a party to this case.

The Estate's counsel filed a *Petition for Intervention of the Estate of Eleanor I. Chase* on June 17, 2002. That Petition constituted counsel's appearance on behalf of the Estate, which is a

REPLY TO APPLICANT'S RESPONSE TO THE ESTATE'S MOTION TO STRIKE AND
MOTION FOR SANCTIONS - 1

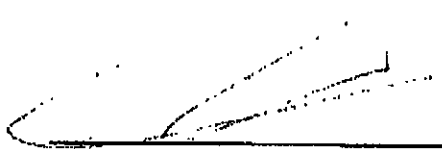
separate, distinct entity and party. The petition set forth counsel's address as follows: "Matt J. Howard, Attorney at Law, P. O. Box 190012, Boise, Idaho 83719." The petition for intervention was granted by IDWR, and the order was served on the Estate's counsel at address set forth in the petition. *See Order Granting Intervention (July 11, 2002).*

In addition to record notice, Applicant's counsel also had actual notice of the office of Estate's counsel. However, the Applicant seems to suggest it was unaware that counsel's office was located at 2125 S. Sumpter Way, Boise, Idaho. Let's explore that. Attached as Exhibit A is a copy of the "Certificate of Service" signed by the Applicant's counsel showing "hand-delivery" service of the Applicant's discovery responses on the Estate's counsel on "2/19/03." The address on the certificate of service is "P. O. Box 190012, Boise, Idaho 83719."

Moreover, the Applicant's courier arrived at the office of the Estate's attorney at 2125 S. Sumpter Way, Boise, Idaho at approximately 5:05 p.m. on February 19, 2003. The Applicant's courier asked, "Are you Matt Howard?" The Estate's counsel replied, "Yes." The Applicant's courier then handed the Estate's counsel an envelope containing the Applicant's discovery responses, of which the Certificate of Service (attached as Exhibit A) was a part of. Additionally, earlier in 2002, Bruce Smith, counsel for the Applicant, personally visited with the Estate's counsel at his 2125 S. Sumpter Way office to discuss this case. The Applicant, therefore, had ample actual notice of the street address of the office of the Estate's counsel.

Query? Why would the Applicant hand-deliver its discovery responses to the Estate's counsel on February 19, 2003, at 2125 S. Sumpter Way (the Estate counsel's office), and then two (2) days later serve the Estate's counsel with discovery requests by mailing them to 2402 W. Jefferson? Why didn't the Applicant mail its discovery requests to the P. O. Box (which is the address of record for the Estate in this case)? Why didn't it hand-deliver the requests to

DATED this 4 day of March, 2003.


MATT J. HOWARD
Attorney for Estate

CERTIFICATE OF SERVICE

The undersigned certifies that on the 4 day of March 2003, a true and correct copy of the within and foregoing document was sent to the following person(s) by the method indicated below:

Jim Burton
1896 N. Eagle. Rd.
Eagle, ID 83616

U.S. Mail

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, ID 83616

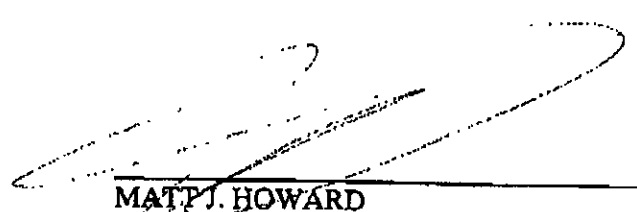
U.S. Mail

Molly O'Leary, Esq.
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

Facsimile

Bruce Smith, Esq.
Moore Smith Buxton & Turcke, Chtd
225 N. 9th St., Ste. 420
Boise, ID 83702

Facsimile


MATT J. HOWARD

DATED this 19 day of February, 2003.

Lynne Sedlacek, Councilwoman
City of Eagle

Tammy A. Zokan
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

The undersigned certifies that on the 19th day of February 2003, a true and correct copy of the City's Response to the Chase Protestants First Set of Interrogatories, Requests for Production and Requests for Admissions was sent to the following person(s) as indicated below:

IDWR State Office *Via U.S. Mail*
Hearing Officer
Glen Saxton
1301 N. Orchard Street
Boise, ID 83706

Jim Burton *Via U.S. Mail*
1896 N. Eagle. Rd.
Eagle, ID 83616

Weldon Fisher *Via U.S. Mail*
546 E. Beacon Light Rd.
Eagle, ID 83616

Molly O'Leary, Esq. *Via U.S. Mail*
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

Matt Howard, Esq. *Via Hand-delivery* on 2/19/03
P.O. Box 190012
Boise, Idaho 83719

TAMMY A. ZOKAN

EXHIBIT A

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

RECEIVED

MAR 03 2003

WATER RESOURCES
WESTERN REGION

RECEIVED

MAR - 5 2003

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

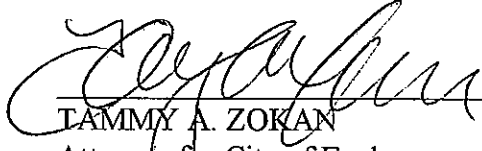
IN THE MATTER OF	)	APPLICANT'S MOTION TO
	)	WITHDRAW APPLICANT'S
CITY OF EAGLE, PETITIONER	)	MOTION TO RESCHEDULE THE
	)	HEARING
APPLICATION FOR PERMIT NO. 63-12448	)	
_____	)	

COMES NOW the Applicant, City of Eagle, by and through their attorneys of record and moves to withdraw its Motion to Reschedule the Hearing. The Applicant mistakenly believed that a hearing had been set in this matter due to confusion regarding a Notice for Hearing of the matter entitled "IN THE MATTER OF THE APPLICATION FOR PERMIT NO. 63-31423 IN THE NAME OF CARL &/OR JOYCE CHASE." The Notice in that unrelated matter was erroneously entered into the City's records regarding the above-entitled matter. In fact, no hearing date has been set in this matter; thus, there is no basis for the City's Motion.

The City respectfully requests that the City's Motion to Withdraw its Motion to Reschedule the Hearing be granted and the City's Motion to Reschedule the Hearing be removed from the record.

DATED this 3 day of March, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN
Attorney for City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3 day of March, 2003 I caused to be served a true and correct copy of the foregoing MOTION TO WITHDRAW MOTION TO RESCHEDULE HEARING via the method indicated below:

IDWR State Office
Hearing Officer
Glen Saxton
1301 N. Orchard Street
Boise, ID 83706

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Jim Burton
1896 N. Eagle. Rd.
Eagle, ID 83616

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, ID 83616

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Molly O'Leary, Esq.
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Matt Howard, Esq.
P.O. Box 190012
Boise, Idaho 83719

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE



TAMMY A. ZOKAN

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

RECEIVED

MAR 03 2003

WATER RESOURCES
WESTERN REGION

RECEIVED
MAR - 5 2003

Department of Water Resources

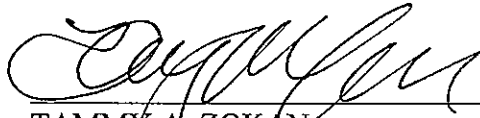
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	APPLICANT'S RESPONSE IN
	)	OBJECTION TO THE CHASE
CITY OF EAGLE, PETITIONER	)	ESTATE'S MOTION TO STRIKE
	)	
APPLICATION FOR PERMIT NO. 63-12448	)	
	)	

COMES NOW the Applicant, City of Eagle, by and through their attorneys of record and respond in objection to the Chase Estate's Motion to Strike dated March 3, 2003. The City served Discovery on Counsel for the Chase Estate via U.S. Mail on February 21, 2003. Exhibit 1. As Exhibit 1 indicates, the City served Counsel Mr. Matt Howard, at 2402 W. Jefferson, Boise, Idaho 83702, the address provided on Mr. Howard's Notice of Appearance in this matter. As Exhibit 1 further indicates, the mailing was returned to the City on February 28, 2003. The City then resent its Discovery to Mr. Howard using the address included on the "return to sender notice." See Exhibit 1. Mr. Howard is responsible for any delay in the service of the City's discovery because he has not provided notice that his address has changed. Consequently, the Notice of Service of Discovery Upon the Chase Estate should not be stricken and the deadline for the Chase Estate's response should not be extended.

DATED this 3 day of March, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED

A handwritten signature in black ink, appearing to read 'Tammy A. Zokan', written over a horizontal line.

TAMMY A. ZOKAN
Attorney for City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3 day of March, 2003 I caused to be served a true and correct copy of the foregoing RESPONSE IN OBJECTION TO MOTION TO STRIKE via the method indicated below:

IDWR State Office
Hearing Officer
Glen Saxton
1301 N. Orchard Street
Boise, ID 83706

X via U.S. MAIL
____ via HAND DELIVERY
____ via OVERNIGHT MAIL
____ via FACSIMILE

Jim Burton
1896 N. Eagle. Rd.
Eagle, ID 83616

X via U.S. MAIL
____ via HAND DELIVERY
____ via OVERNIGHT MAIL
____ via FACSIMILE

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, ID 83616

X via U.S. MAIL
____ via HAND DELIVERY
____ via OVERNIGHT MAIL
____ via FACSIMILE

Molly O'Leary, Esq.
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

X via U.S. MAIL
____ via HAND DELIVERY
____ via OVERNIGHT MAIL
____ via FACSIMILE

Matt Howard, Esq.
P.O. Box 190012
Boise, Idaho 83719

X via U.S. MAIL
____ via HAND DELIVERY
____ via OVERNIGHT MAIL
____ via FACSIMILE



TAMMY A. ZOKAN

152

I re-sent this to
 Amanda
 address,
 Geneva

EXHIBIT 1

MAR - 3 2003

Department of Water Resources

Bruce M. Smith, ISB #3425
 Tammy A. Zokan, ISB #5450
 MOORE SMITH BUXTON & TURCKE, CHARTERED
 Attorneys at Law
 225 North 9th Street, Suite 420
 Boise, ID 83702
 Telephone: (208) 331-1800
 Facsimile: (208) 331-1202

Attorneys for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
 OF THE STATE OF IDAHO

IN THE MATTER OF	)	APPLICANT'S REPLY IN
	)	SUPPORT OF APPLICANT'S
CITY OF EAGLE, PETITIONER	)	OBJECTION, MOTION TO
	)	STRIKE, RECUSE HEARING
APPLICATION FOR PERMIT NO. 63-12448	)	OFFICER AND FOR THE
	)	APPOINTMENT OF A NON-
	)	DEPARTMENT HEARING
	)	OFFICER

The Applicant, the City of Eagle, hereby replies to the Chase Estate's February 24, 2003 Response to the Applicant's Objection, Motion to Strike, Recuse the Hearing Officer and for the Appointment of a Non-Department Hearing Officer. The City renews its Objection and Motion and expands its Objection and Motion to also include the Chase Estate's Response, for the reasons described in the City's Memorandum in Support of its Objection and Motions. Contrary to the Chase Estate's allegations, the City and the Chase Estate have never entered into a settlement agreement in this matter. While the City made a good faith effort to negotiate a resolution, the negotiations failed and the parties' negotiations are confidential and must be excluded from the record.

The Chase Estate's arguments that the parties entered into a binding agreement are preposterous. After a long period of negotiating with the Chase Estate, the City thought

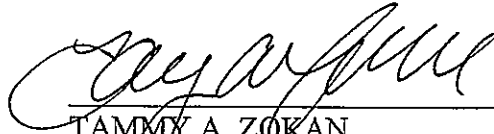
the parties were close to a resolution since in December 2002, the parties had agreed they could likely resolve their differences based upon a combination of previous settlement proposals. The specific terms of the proposed agreement had not been finalized. On December 27, 2002, the City provided the Chase Estate a "Withdrawal of Protest," agreement incorporating the City's understanding of the basis of a settlement agreement.

The Chase Estate, however, refused to sign the agreement. Instead, two weeks later, the Chase Estate provided the City the Estate's own version of an agreement ("Estate's agreement"). The City had never agreed to the terms contained in the Estate's agreement. In fact, the Estate's Agreement changed certain terms previously discussed and incorporated new terms never even considered by the City. Because the Estate's document was so different than anything discussed, the City rejected the Estate's agreement. Consequently, settlement negotiations failed and those negotiations are confidential without the written consent of both parties. IDAPA 37.01.01.610 (Rule 610). The City has not and will not consent to the disclosure of these confidential matters.

For the reasons described in the City's Memorandum in Support of its Objection, Motion to Strike, Recuse Hearing Officer and for the Appointment of a Non-Department Hearing Officer, the City respectfully requests that the Department strike the confidential settlement information contained in the Protestants' Motions filed on January 22, 2003 and January 23, 2003, respectively, the Estate's Petition for Reconsideration filed on February 3, 2003, and the Estate's Response to Applicant's Objection and Motions, and appoint a non-Department employee Hearing Officer in this case.

DATED this 27 day of February, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN
Attorney for City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27 day of February, 2003 I caused to be served a true and correct copy of the foregoing MOTION AND MEMORANDUM via U.S. Mail Postage pre-paid, and addressed to the following:

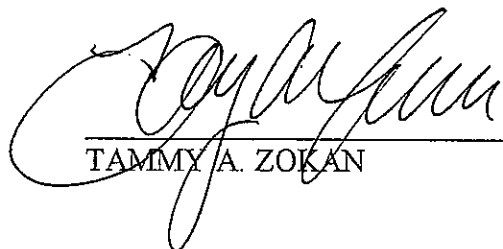
IDWR *Michael Delaney*
Western Region
2735 Airport Way
Boise, Idaho 83705

Matt Howard
2402 W. Jefferson
Boise, Idaho 83702

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, Idaho 83616

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, Idaho 83616

Jim Burton
1896 N. Eagle Rd.
Eagle, Idaho 83616



TAMMY A. ZOKAN

RECEIVED

MAR - 3 2003

Department of Water Resources

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	APPLICANT'S MOTION TO
	)	RESCHEDULE THE HEARING
CITY OF EAGLE, PETITIONER	)	
	)	
APPLICATION FOR PERMIT NO. 63-12448	)	
	)	

COMES NOW the Applicant, City of Eagle, by and through their attorneys of record and move to reschedule the hearing. This matter was scheduled for hearing on Monday and Tuesday, April 21 and 22, 2003 pursuant to a Notice of Hearing dated February 3, 2003. For the reasons stated below, the City respectfully requests that the hearing be rescheduled for Wednesday and Thursday, May 21 and 22, 2003.

The City's expert, Mr. Bill Strowd, P.G., is no longer available to assist the City in this matter due to his personal family responsibilities and work schedule. Immediately upon notification by Mr. Strowd of his unavailability, the City quickly sought an alternative expert and on February 25, 2003 the City approved the hiring of Scanlan Engineering as the City's expert in this matter. Scanlan Engineering is a suitable replacement expert because of its work on matters relevant to this case and therefore the City can move forward more quickly than would otherwise be the case.

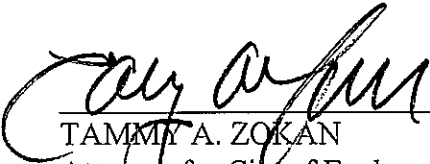
However, Mr. Scanlan, P.E., P.G., is not available for the April 21 and 22, 2003 hearing due to previously scheduled commitments. In fact, Mr. Scanlan is not available at all during the month of April 2003. However, he is available during the month of May, 2003. The City proposes the May 21 and 22, 2003 hearing dates to allow Mr. Scanlan to complete his review of the record and prepare for hearing. As previously explained, counsel for the City is also unavailable on April 21 and 22, 2003 and the last week of May 2003.

Counsel for the City attempted to contact counsel for the Protestants the Chase Estate and the Eagle Water Company on February 27, 2003, to obtain their position on this Motion. Counsel for the Protestants were unavailable and counsel for the City left them a message regarding this Motion.

The City respectfully requests that the hearing of this matter be rescheduled and a new Notice of Hearing issued scheduling the hearing for May 21 and 22, 2003.

DATED this 27 day of February, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED


TAMMY A. ZOKAN
Attorney for City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27 day of February, 2003 I caused to be served a true and correct copy of the foregoing MOTION AND MEMORANDUM via the method indicated below:

IDWR State Office
Hearing Officer
Glen Saxton
1301 N. Orchard Street
Boise, ID 83706

☐ via U.S. MAIL
☒ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Jim Burton
1896 N. Eagle. Rd.
Eagle, ID 83616

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, ID 83616

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Molly O'Leary, Esq.
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Matt Howard, Esq.
P.O. Box 190012
Boise, Idaho 83719

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE



TAMMY A. ZOKAN

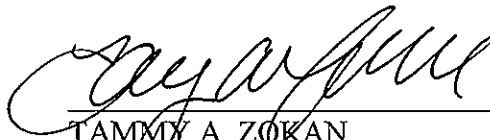
the parties were close to a resolution since in December 2002, the parties had agreed they could likely resolve their differences based upon a combination of previous settlement proposals. The specific terms of the proposed agreement had not been finalized. On December 27, 2002, the City provided the Chase Estate a "Withdrawal of Protest," agreement incorporating the City's understanding of the basis of a settlement agreement.

The Chase Estate, however, refused to sign the agreement. Instead, two weeks later, the Chase Estate provided the City the Estate's own version of an agreement ("Estate's agreement"). The City had never agreed to the terms contained in the Estate's agreement. In fact, the Estate's Agreement changed certain terms previously discussed and incorporated new terms never even considered by the City. Because the Estate's document was so different than anything discussed, the City rejected the Estate's agreement. Consequently, settlement negotiations failed and those negotiations are confidential without the written consent of both parties. IDAPA 37.01.01.610 (Rule 610). The City has not and will not consent to the disclosure of these confidential matters.

For the reasons described in the City's Memorandum in Support of its Objection, Motion to Strike, Recuse Hearing Officer and for the Appointment of a Non-Department Hearing Officer, the City respectfully requests that the Department strike the confidential settlement information contained in the Protestants' Motions filed on January 22, 2003 and January 23, 2003, respectively, the Estate's Petition for Reconsideration filed on February 3, 2003, and the Estate's Response to Applicant's Objection and Motions, and appoint a non-Department employee Hearing Officer in this case.

DATED this 27 day of February, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN
Attorney for City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27 day of February, 2003 I caused to be served a true and correct copy of the foregoing MOTION AND MEMORANDUM via U.S. Mail Postage pre-paid, and addressed to the following:

IDWR *Handpaul delivery*
Western Region
2735 Airport Way
Boise, Idaho 83705

Matt Howard
2402 W. Jefferson
Boise, Idaho 83702

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, Idaho 83616

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, Idaho 83616

Jim Burton
1896 N. Eagle Rd.
Eagle, Idaho 83616



TAMMY A. ZOKAN

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

RECEIVED
FEB 27 2003
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	APPLICANT'S MOTION TO
	)	RESCHEDULE THE HEARING
CITY OF EAGLE, PETITIONER	)	
	)	
APPLICATION FOR PERMIT NO. 63-12448	)	
	)	

COMES NOW the Applicant, City of Eagle, by and through their attorneys of record and move to reschedule the hearing. This matter was scheduled for hearing on Monday and Tuesday, April 21 and 22, 2003 pursuant to a Notice of Hearing dated February 3, 2003. For the reasons stated below, the City respectfully requests that the hearing be rescheduled for Wednesday and Thursday, May 21 and 22, 2003.

The City's expert, Mr. Bill Strowd, P.G., is no longer available to assist the City in this matter due to his personal family responsibilities and work schedule. Immediately upon notification by Mr. Strowd of his unavailability, the City quickly sought an alternative expert and on February 25, 2003 the City approved the hiring of Scanlan Engineering as the City's expert in this matter. Scanlan Engineering is a suitable replacement expert because of its work on matters relevant to this case and therefore the City can move forward more quickly than would otherwise be the case.

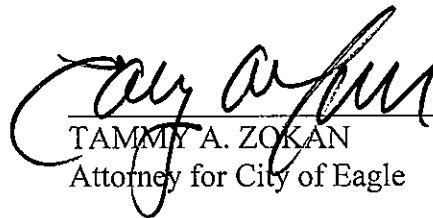
However, Mr. Scanlan, P.E., P.G., is not available for the April 21 and 22, 2003 hearing due to previously scheduled commitments. In fact, Mr. Scanlan is not available at all during the month of April 2003. However, he is available during the month of May, 2003. The City proposes the May 21 and 22, 2003 hearing dates to allow Mr. Scanlan to complete his review of the record and prepare for hearing. As previously explained, counsel for the City is also unavailable on April 21 and 22, 2003 and the last week of May 2003.

Counsel for the City attempted to contact counsel for the Protestants the Chase Estate and the Eagle Water Company on February 27, 2003, to obtain their position on this Motion. Counsel for the Protestants were unavailable and counsel for the City left them a message regarding this Motion.

The City respectfully requests that the hearing of this matter be rescheduled and a new Notice of Hearing issued scheduling the hearing for May 21 and 22, 2003.

DATED this 27 day of February, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED


TAMMY A. ZOKAN
Attorney for City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27 day of February, 2003 I caused to be served a true and correct copy of the foregoing MOTION AND MEMORANDUM via the method indicated below:

IDWR State Office
Hearing Officer
Glen Saxton
1301 N. Orchard Street
Boise, ID 83706

☐ via U.S. MAIL
☒ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Jim Burton
1896 N. Eagle. Rd.
Eagle, ID 83616

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Weldon Fisher
546 E. Beacon Light Rd.
Eagle, ID 83616

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Molly O'Leary, Esq.
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE

Matt Howard, Esq.
P.O. Box 190012
Boise, Idaho 83719

☒ via U.S. MAIL
☐ via HAND DELIVERY
☐ via OVERNIGHT MAIL
☐ via FACSIMILE


TAMMY A. ZOKAN

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

RECEIVED

FEB 27 2003

WATER RESOURCES
WESTERN REGION

Attorneys for the City of Eagle

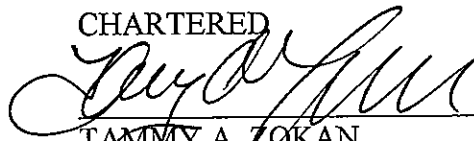
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	NOTICE OF COMPLIANCE
	)	
CITY OF EAGLE, PETITIONER	)	
	)	
APPLICATION FOR PERMIT NO. 63-12448	)	
	)	
	)	

COMES NOW, the City of Eagle, and gives notice that the City served its first supplemental responses to the Chase Estate's First Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents on Matt Howard, attorney for the Chase Estate, via U.S. Mail, on the 27th day of February, 2003.

DATED this 27 day of February, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN
Attorneys for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27 day of February, 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF COMPLIANCE by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

☐ U.S. Mail
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Matt Howard
2402 W. Jefferson
Boise, Idaho 83702

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



MATT J. HOWARD

ATTORNEY AT LAW

RECEIVED

FEB 26 2003

Department of Water Resources

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

EMAIL: MHOWARD@FIBERPIPE.NET

February 22, 2003

Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237

RE: In the Matter of Amendment of Permit No. 63-12448 – City of Eagle

Dear Clerk:

Enclosed for filing with the Idaho Department of Water Resources in the above-referenced matter is the following: Response to Applicant's Objection, Motion to Strike, Recuse Hearing Officer, and for the Appointment of a Non-Department Hearing Officer. I have also enclosed an additional copy of that document that I would ask that you conform and return to me in the enclosed envelope. Thank you very much.

Very truly yours,

Matt J. Howard

Enclosures

Cc: Estate of Eleanor I. Chase (w/encls.)

Mike Chase (w/encls.)

RECEIVED

FEB 26 2003

Department of Water Resources

MATT J. HOWARD
Attorney at Law
P. O. Box 190012
Boise, Idaho 83719
Telephone: (208) 333-0622
Facsimile: (208) 333-8409

Attorney for the Estate of Eleanor I. Chase

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF)
APPLICATION FOR PERMIT NO. 63-12448)
IN THE NAME OF THE CITY OF EAGLE) RESPONSE TO APPLICANT'S
) OBJECTION, MOTION TO STRIKE,
) RECUSE HEARING OFFICER AND FOR
) THE APPOINTMENT OF A NON-
) DEPARTMENT HEARING OFFICER
)
)
)

INTRODUCTION

The Estate of Eleanor I. Chase ("Estate"), by and through its attorney Matt J. Howard, and pursuant to IDAPA 37.01.01.565 responds to the Applicant's Objection, Motion to Strike, Recuse Hearing Officer and for the Appointment of a Non-department Hearing Officer.

RESPONSE

The Applicant's motion is based solely on its mischaracterization of the November 26, 2002, settlement agreement as merely "negotiation" documents. As indicated in the Estate's *Petition for Reconsideration and Motion for Expedited Hearing* (Feb. 3, 2003), the agreement is memorialized in a November 16, 2002, letter from the Estate's counsel to the Applicant's counsel. That letter expressly references the November 12, 2002, and the March 15, 2002,

RESPONSE TO APPLICANT'S OBJECTION, MOTION TO STRIKE, RECUSE HEARING
OFFICER AND FOR THE APPOINTMENT OF A NON-DEPARTMENT HEARING
OFFICER - 1

correspondence between counsel. *See e.g., Hemingway v. Gruener, 106 Idaho 422, 679 P.2d 1140 (1984)* (unsigned writings are considered part of the agreement where those writings are expressly referenced in the signed writing).

The agreement satisfies the statute of frauds, Idaho Code Title 9, Chapter 5 because it is in writing and is signed by the parties. It sets forth the parties to the agreement, the subject matter, the consideration, and all material terms of the agreement. *See e.g., Hemingway, 106 Idaho 422, 679 P.2d 1140.* It is also initialed by both parties. Nancy Merrill, acting as the President of the City Council, initialed the top of the first page of the letter, and Michael J. Chase initialed the second page. Under Idaho law, those initials constitute signatures for purposes of enforcing an agreement under the statute of frauds. *See e.g., Watkins v. Messenger, 115 Idaho 386, 766 P.2d 1267 (Ct. App. 1988).*

The fact that a more detailed agreement was not executed by the Applicant does not negate the efficacy of the November 26, 2002, agreement. The “writing” initialed by the parties contains all the elements necessary for a binding contract and satisfies the statute of frauds. Nothing more is required for there to be a binding contract. There is no law (nor can the Applicant point to one) requiring that contracts be drafted by attorneys or that they have to look a certain way. A contract merely has to contain necessary elements such as parties, subject matter, consideration, material terms, and the statute of frauds (i.e. requirement that the contract be in “writing” and signed or initialed by the parties). The letter initialed by the parties on November 26, 2002, satisfies those elements.

The fact that the Applicant has indicated its intent to back out of the agreement does not undo the agreement. To borrow a phrase from the Applicant, having rung the bell (i.e. executed the agreement), it cannot simply “unring” it. The agreement remains binding.

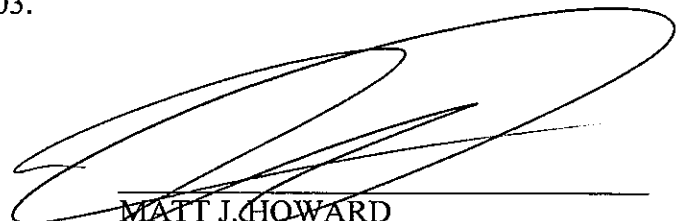
Noticeably absent from the Applicant's motion is any factual or legal argument against the validity of the agreement. The Applicant cites no case or rule of law that would in any way invalidate the settlement agreement. It merely makes a conclusory, self-serving statement that the "writing" was merely part of settlement negotiations. The Applicant also does not dispute that Nancy Merrill, acting as the President of the Council, "initialed" the writing. Accordingly, based on the undisputed facts and Idaho law, the November 26, 2002, settlement agreement remains just that: a binding settlement agreement.

Additionally, the Applicant fails to cite IDAPA 37.01.01.612 regarding "Consideration of Settlement Agreements." Under this rule, settlement agreements are admissible. Moreover, the Estate has the procedural right to have the settlement agreement considered by the hearing officer. The Estate will exercise this right. The hearing officer may then convene an evidentiary hearing to consider the reasonableness of the settlement agreement and whether it is consistent with the agency's charge under the law. IDAPA 37.01.01.612. This procedural rule, IDAPA 37.01.01.612, affords the parties their basic due process rights to present evidence relating to the settlement agreement. These due process rights cannot be circumvented by the Applicant's conclusory allegation that the settlement agreement is not binding.

CONCLUSION

Because the Applicant's motion is based entirely upon its mischaracterization of the settlement agreement, the motion should be denied.

DATED this 24 day of February, 2003.



MATT J. HOWARD
Attorney for Estate

CERTIFICATE OF SERVICE

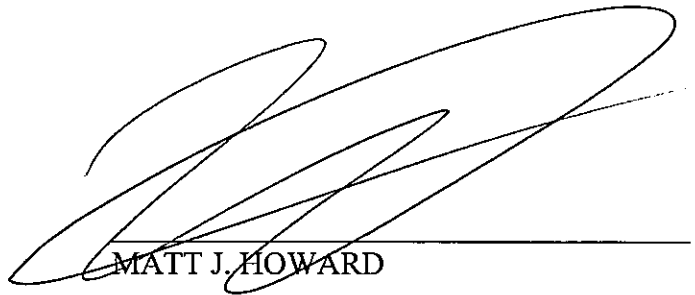
The undersigned certifies that on the 24 day of February 2003, a true and correct copy of the within and foregoing document was sent to the following person(s) as indicated below:

Jim Burton *U.S. Mail*
1896 N. Eagle. Rd.
Eagle, ID 83616

Weldon Fisher *U. S. Mail*
546 E. Beacon Light Rd.
Eagle, ID 83616

Molly O'Leary, Esq. *U.S. Mail*
Richardson & O'Leary, PLLC
P. O. Box 1849
Eagle, ID 83616

Bruce Smith, Esq. *U.S. Mail*
Moore Smith Buxton & Turcke, Chtd
225 N. 9th St., Ste. 420
Boise, ID 83702



MATT J. HOWARD

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

RECEIVED

MAR - 3 2003

Department of Water Resources

RECEIVED

FEB 21 2003

WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF)

NOTICE OF COMPLIANCE

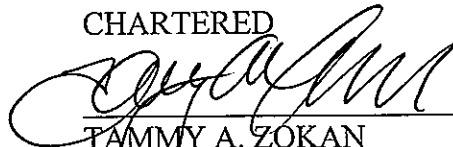
CITY OF EAGLE, PETITIONER)

APPLICATION FOR PERMIT NO. 63-12448)

COMES NOW, the City of Eagle, and gives notice that the City served its responses to the Chase Estate's First Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents on Matt Howard, attorney for the Chase Estate, via hand-delivery, on the 19th day of February, 2003.

DATED this 20 day of February, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN

Attorneys for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20 day of February 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF COMPLIANCE by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Matt Howard
2402 W. Jefferson
Boise, Idaho 83702

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

RECEIVED
FEB 21 2003
WATER RESOURCES
WESTERN REGION

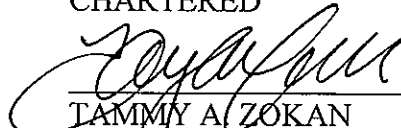
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	NOTICE OF SERVICE OF
	)	DISCOVERY UPON THE EAGLE
CITY OF EAGLE, PETITIONER	)	WATER COMPANY
	)	
APPLICATION FOR PERMIT NO. 63-12448	)	
	)	
	)	

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents to the Eagle Water Company on Molly O'Leary, attorney for the Eagle Water Company, via United States mail, postage fully prepaid, on the 21 day of February, 2003.

DATED this 21 day of February, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN
Attorneys for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21 day of Feb, 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF SERVICE OF DISCOVERY by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Matt Howard
2402 W. Jefferson
Boise, Idaho 83702

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

RECEIVED
FEB 21 2003
WATER RESOURCES
WESTERN REGION

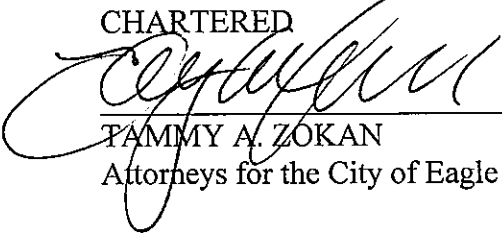
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	NOTICE OF SERVICE OF
	)	DISCOVERY UPON THE CHASE
CITY OF EAGLE, PETITIONER	)	ESTATE
	)	
APPLICATION FOR PERMIT NO. 63-12448	)	
	)	
	)	

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents to the Chase Estate on Matt Howard, attorney for the Chase Estate, via United States mail, postage fully prepaid, on the 21 day of February, 2003.

DATED this 21 day of February, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN
Attorneys for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21 day of Feb, 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF SERVICE OF DISCOVERY by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Matt Howard
2402 W. Jefferson
Boise, Idaho 83702

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile





RECEIVED

FEB 21 2003

Department of Water Resources

Molly O'Leary

Tel: 208-938-7902 Fax: 208-938-7904

molly@richardsonandoleary.com

P.O. Box 1849 99 East State Street, Eagle, Idaho 83616

February 20, 2003

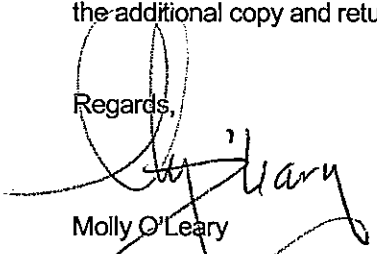
L. Glen Saxton
Idaho Department of Water Resources
1301 N. Orchard
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Application for Amendment of Permit No. 63-12448

Dear Mr. Saxton:

Enclosed please find EAGLE WATER COMPANY, INC.'S FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS, AND REQUESTS FOR ADMISSIONS UPON THE CITY OF EAGLE and NOTICE OF SERVICE OF DISCOVERY. An additional copy of these documents has been enclosed, along with a self-addressed envelope. Please date-stamp "Received" the additional copy and return the same to us in the enclosed envelope. *- done*

Regards,


Molly O'Leary

ENCLOSURE

MMO/nmc

Molly O'Leary (ISB No. 4996)
Richardson & O'Leary PLLC
99 East State Street, Suite 200
P. O. Box 1849
Eagle, Idaho 83616
Telephone: (208) 938-7900
Fax: (208) 938-7904

Attorneys for Eagle Water Company

RECEIVED

FEB 21 2003

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES

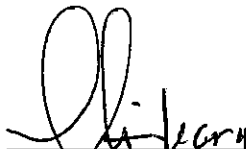
OF THE STATE OF IDAHO

IN THE MATTER OF AMENDMENT OF
APPLICATION FOR PERMIT NO. 63-12448
IN THE NAME OF THE CITY OF EAGLE

NOTICE OF SERVICE OF DISCOVERY

Eagle Water Company ("Eagle Water") by and through its attorney of record, Molly O'Leary, hereby gives notice, pursuant to IDAPA 37.01.01.520 *et seq* and the Idaho Rules of Civil Procedure, that a true and correct copy of EAGLE WATER'S FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS, AND REQUESTS FOR ADMISSIONS UPON THE CITY OF EAGLE was served via facsimile on Bruce M. Smith, Moore Smith Buxton & Turcke, Chtd., counsel for Applicant, City of Eagle, on February 20, 2003.

DATED this 20th day of February, 2003.



MOLLY O'LEARY
Attorney for Eagle Water Company, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that on the 20th day of February 2003, a true and correct copy of the within and foregoing document was sent to the following person(s) as indicated below:

Jim Burton
1896 N. Eagle Rd.
Eagle, ID 83616

Via U.S. Mail

Weldon Fisher
546 E. Beacon Light Rd.
Eagle ID 83616

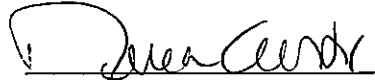
Via U.S. Mail

Matt K. Howard, Esq.
Attorney at Law
P.O. Box 190012
Boise, ID 83719

Via Facsimile (208) 333.8409

Bruce Smith, Esq.
Moore Smith Buxton & Turcke, Chtd
225 N. 9th St., Ste. 420
Boise, ID 83702

Via Facsimile (208) 331.1202


Nina Curtis

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

RECEIVED
FEB 24 2003
Department of Water Resources

Attorneys for the City of Eagle

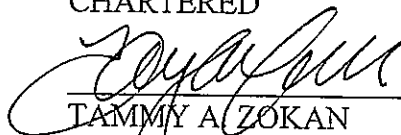
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	NOTICE OF SERVICE OF
	)	DISCOVERY UPON THE EAGLE
CITY OF EAGLE, PETITIONER	)	WATER COMPANY
	)	
APPLICATION FOR PERMIT NO. 63-12448	)	
	)	
	)	

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents to the Eagle Water Company on Molly O'Leary, attorney for the Eagle Water Company, via United States mail, postage fully prepaid, on the 21 day of February, 2003.

DATED this 21 day of February, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN
Attorneys for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21 day of Feb, 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF SERVICE OF DISCOVERY by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Matt Howard
2402 W. Jefferson
Boise, Idaho 83702

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

RECEIVED
FEB 24 2003
Department of Water Resources

Attorneys for the City of Eagle

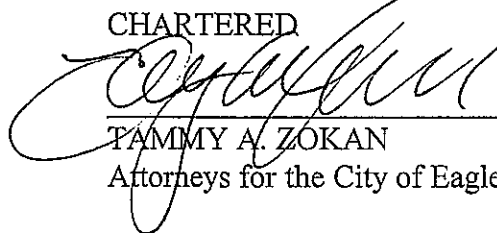
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	NOTICE OF SERVICE OF
	)	DISCOVERY UPON THE CHASE
CITY OF EAGLE, PETITIONER	)	ESTATE
	)	
APPLICATION FOR PERMIT NO. 63-12448	)	
	)	
	)	

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents to the Chase Estate on Matt Howard, attorney for the Chase Estate, via United States mail, postage fully prepaid, on the 21 day of February, 2003.

DATED this 21 day of February, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN
Attorneys for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21 day of Feb, 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF SERVICE OF DISCOVERY by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Matt Howard
2402 W. Jefferson
Boise, Idaho 83702

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

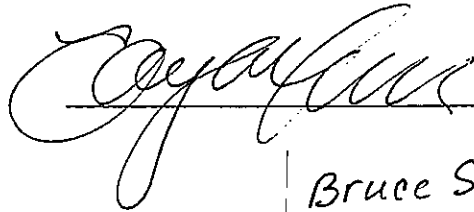
☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Bruce Smith's
service address
for Matt is not
current!

dy 2/28/03

RECEIVED

FEB 21 2003

Department of Water Resources

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
225 North 9th Street, Suite 420
Boise, ID 83702
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

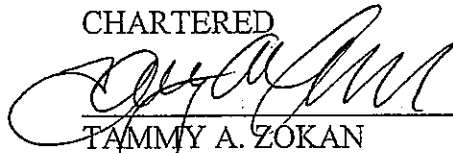
BEFORE THE DEPARTMENT OF WATER RESOURCES,
OF THE STATE OF IDAHO

IN THE MATTER OF) **NOTICE OF COMPLIANCE**
)
CITY OF EAGLE, PETITIONER)
)
APPLICATION FOR PERMIT NO. 63-12448)
)
)
)

COMES NOW, the City of Eagle, and gives notice that the City served its responses to the Chase Estate's First Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents on Matt Howard, attorney for the Chase Estate, via hand-delivery, on the 19th day of February, 2003.

DATED this 20 day of February, 2003.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



TAMMY A. ZOKAN

Attorneys for the City of Eagle

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20 day of February 2003, I caused to be served a true and correct copy of the foregoing NOTICE OF COMPLIANCE by the method indicated below, and addressed to the following:

IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Matt Howard
2402 W. Jefferson
Boise, Idaho 83702

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Molly O'Leary
Eagle Water Co.
P.O. Box 1849
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Weldon Fisher
546 E. Beacon Light Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Jim Burton
1896 N. Eagle Road
Eagle, ID 83616

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Glen Saxton
IDWR State Office
1301 N. Orchard Street
Boise, ID 83706

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

