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Attorneys for M3 Eagle LLC

RECEIVED
APR 08 2009
DEPARTMENT OF
WATER RESOURCES

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

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 63-32573 IN THE
NAME OF M3 EAGLE LLC

**NOTICE OF SERVICE OF M3 EAGLE'S
PROPOSED EXHIBITS AND WITNESS
LIST**

M3 Eagle LLC ("M3 Eagle"), through its counsel Givens Pursley LLP, and pursuant to the Hearing Officer's March 26, 2009 *Order Scheduling Exchange of Information*, hereby gives notice that on April 8, 2009 it served on all parties copies of pre-numbered documents that M3 Eagle may offer as exhibits at hearing and a list of persons which M3 Eagle may call as witnesses at hearing.

A list of M3 Eagle's pre-numbered documents is included with this Notice of Service as Attachment A. Pursuant to a telephone conference between all parties' representatives on April 3, 2009, the parties stipulate that the documents numbered 1 through 50 (except for document number 45) in Attachment A are deemed admissible without further authentication and M3 Eagle

need not serve copies on the other parties.¹ M3 Eagle is serving copies of the other documents listed in Attachment A with this Notice. M3 Eagle anticipates the parties may stipulate to the admissibility of other proposed exhibits at or before the hearing. M3 Eagle reserves the right to offer exhibits for rebuttal or cross-examination in addition to those listed in Attachment A.

A list of persons which M3 Eagle may call as witnesses at hearing is attached as Attachment B.

M3 Eagle anticipates calling IDWR staff employees Dennis Owsley, Sean Vincent, and/or Allan Wylie as witnesses to testify on April 16, 2009. M3 Eagle anticipates calling IDWR staff employee Rob Whitney as a witness to testify on May 5, 2009.

DATED this 8th day of April, 2009.

Respectfully submitted,

GIVENS PURSLEY LLP

By



Jeffrey C. Fereday
Michael P. Lawrence

¹Documents 1 through 41 in Attachment A are the same (and are listed in the same order) as the technical reports and supporting documentation filed with IDWR and made available to the parties by M3 Eagle on November 26, 2008. Documents 42 through 50 (except for number 45) in Attachment A are other documents filed with IDWR in this matter that, as of the April 3, 2009 telephone conference, the parties agreed were admissible and already in the possession of the other parties. Document number 45 was served on the parties on April 3, 2009 following the telephone conference.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th of April, 2009, the foregoing was filed, served, or copied as follows:

NOTICE OF SERVICE

Idaho Department of Water Resources
Attn: Gary L. Spackman
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

John Westra
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

North Ada County Groundwater Users Association
c/o David Head
855 Stillwell Drive
Eagle, ID 83616

U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

NOTICE OF SERVICE AND DOCUMENTS

Bill Lawton, Spokesman for
Robert L. Wood
M. Howard Goldman
Timothy R. Milburn
3145 Osprey Road
Eagle, ID 83616

U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

North Ada County Groundwater Users Association
c/o John Thornton
5264 N. Sky High Lane
Eagle, ID 83616

U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

Norman Edwards
884 W. Beacon Light Road
Eagle, ID 83616

U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

Alan Smith
3135 N. Osprey Road
Eagle, ID 83616

U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail



Michael P. Lawrence

ATTACHMENT A

EXHIBIT NO.	EXHIBIT DESCRIPTION
	M3 EAGLE'S TECHNICAL REPORTS AND SUPPORTING DOCUMENTATION (submitted 11/26/08)
1	Drillers Logs Location Map For M3 Eagle 09-13-2007 small
2	M3 Eagle Regional Hydrogeologic Characterization Year One Progress Report
3	Map of Protestants Wells 10-14-2008
4	M3 Eagle SVR #6 Composite - FINAL
5	M3 Eagle SVR #7 Composite by Hydro Logic, Inc. 4-14-2008 - FINAL
6	M3 Eagle SVR #9 Test Well Composite Diagram by Hydro Logic, Inc 07-07-2008 smaller
7	M3 Eagle Test Well #1 Composite by Hydro Logic, Inc. 4-23-2008
8	M3 Eagle Test Well #2 Composite - FINAL
9	M3 Eagle Test Well #3 Composite Diagram by Hydro Logic, Inc. 9-27-2007
10	M3 Eagle Test Well #4 Composite Diagram by Hydro Logic, Inc 4-16-2008
11	Magnetometer Report for M3 Eagle May 20, 2007
12	RE-Analysis of 16 Aquifer Tests in the Greater Eagle-Star Area of North Ada County, Idaho
13	Seismic Reflection Profiling in the Big Gulch Area - Report by John Bradford at CGISS (BSU) - September 2006
14	Star Supply Well #3 Composite - FINAL smaller
15	SVR #10 Test Well Composite Diagram by Hydro Logic, Inc 07-07-2008 smaller
16	Modeling of Ground Water Flow in the Pierce Gulch Sand Aquifer 11-19-2008
17	Well Density by section and Quarter Section 09-13-2007
18	Water Level Measurement Survey Update to M3 Eagle Hydrogeologic Characterization
19	Documentation provided by S. H. Wood, PhD., Professor Emeritus
20	Test Well #1 Plot - M3 Eagle
21	Monthly Monitoring Hand Measured Water Levels

ATTACHMENT A

EXHIBIT NO.	EXHIBIT DESCRIPTION
22	Figures and Tables to be included and described in upcoming Aquifer Test 2008 Report
23	2007 Regional Ground Water Level Contour Map
24	Summary of Water Chemistry Data for M3 Eagle and Select Regional Wells
25	Water Chemistry and Cross-Section Wells Map
26	Cross-Sections from wells with geophysical logs (four total)
27	Cross-Sections of wells near M3 Eagle with well construction and lithology (thirteen total)
28	Hydrographs of United Water Idaho's State and Linder Monitoring Wells (1999-2008)
29	Ground water gradient map in Eagle, Idaho area (USGS 1980)
30	Hydrograph of Vail and Miller domestic wells (1995-1998)
31	Ground Water Gradient Map from Lindholm (USGS 1991)
32	Curriculum Vitae and Summaries of Facts and Opinions of M3 Eagle Experts
33	Documentation for the Treasure Valley Hydrologic Project (includes oversize map: Structure Contour Map of Top of the Mudstone Facies, Western Snake River Plain, Idaho, by Spencer H. Wood)
34	Map and composite diagram of Eagle Pines Water Association well
35	Draft spreadsheet containing information currently known about Protestants' wells (HLI 2008)
36	November 6, 2008 Memorandum from Dale Ralston, PhD and Professor Emeritus to Josephine Beeman
37	Compact disc of ground water level monitoring data and aquifer test data obtained by Hydro Logic, Inc. in the North Ada County Area
38	M3 Eagle Potable Water Facility Planning Progress Update Meeting #3 Presentation Slides, November 25, 2008, prepared by Stanley Consultants, Inc.
39	Map of Preliminary Sewer Plan, prepared by Stanley Consultants, Inc.
40	Demographic Forecast: Economic & Fiscal Impact Analysis, October 2008, prepared by Dr. John Church
41	Development of a Numerical Ground Water Flow Model for the M3 Eagle Development Area Near Eagle Idaho, Douglas, Stacey L., Master's Thesis (December 2007).
M3 EAGLE'S SECOND AMENDED APPLICATION FOR PERMIT (last amended April 2008)	
42	M3 Eagle's Second Amended Application for Permit No. 63-32573 with Attachments and Exhibits (filed February 1, 2008; last amended April 2008)

ATTACHMENT A

EXHIBIT NO.	EXHIBIT DESCRIPTION
M3 EAGLE'S SUPPLEMENTAL REPORTS BY HLI (submitted in 2009)	
43	Ground Water Geochemistry of Wells in the North Ada County Area of Idaho (Jan. 20, 2009)
44	A Nine-Day Constant-Rate-Discharge Aquifer Test of the SVR #7 Test Well In Big Gulch, North Ada County, Idaho (Jan. 20, 2009)
45	Technical Memorandum re Response to IDWR's March 2, 2009 Staff Memorandum On M3 Eagle Hydrogeologic Studies (with exhibits), prepared by Hydro Logic Inc., dated April 1, 2009 (submitted April 3, 2009)
DOCUMENTS SUBMITTED BY NACGUA	
46	Memorandum from Dale R. Ralston to Jo Beeman regarding Initial Hydrogeologic Analysis, dated November 6, 2008
47	Hydrogeologic Analysis of the M3 Eagle Site, Expert Report Prepared for the North Ada County Groundwater Users Association, by Ralston Hydrologic Services, Inc., dated January 2009
48	Hydrogeologic Analysis of the M3 Eagle Site: Supplement #1 Comments from Review of Geochemistry Report, Expert Report Prepared for the North Ada County Groundwater Users Association, by Ralston Hydrologic Services, Inc., dated January 2009
49	Letter from Dr. Dale Ralston to NACFA c/o David Head re comments relative to IDWR's March 2, 2009 Staff Memorandum, dated March 31, 2009 (submitted April 3, 2009)
IDWR STAFF MEMORANDUM	
50	IDWR Staff Memorandum re Application for Water Right 63-32573, dated March 2, 2009

ATTACHMENT A

EXHIBIT NO.	EXHIBIT DESCRIPTION
	OTHER DOCUMENTS OFFERED BY M3
51	Technical Memorandum from Ed Squires, Hydro Logic, Inc., to Dennis Owsley, IDWR, dated March 2, 2009
52	Refined Analysis of 2008 Water Level Data from TW #1 and TW #4 Using BETCO to better correct for Barometric Effects, M3 Eagle Master Planned Community, dated April 8, 2009
53	M3 Eagle Master Potable Water & Wastewater Study, by Stanley Consultants (04/28/06)
54	M3 Eagle Financial Statement, dated March 30, 2009
55	Letter from J. Fereday to D. Tuthill re M3 Eagle Planned Community, dated March 23, 2007.
56	Letter from J. Fereday to D. Tuthill re M3 Eagle Amended Water Right Application, dated September 24, 2007.
57	Eagle Foothills Comprehensive Plan
58	Pre-Annexation and Development Agreement by and between City of Eagle and M3 Eagle LLC, dated/recorded December 27, 2007.
59	M3 Eagle Average Monthly Residential Housing Additions compared to Monthly Residential Dwelling Unit Permits Issued in Ada and Canyon Counties 2000-2008, prepared by Dr. John Church
60	M3 Eagle: A Summary of Projected 30-Year Buildout Scenario of Residential Housing Units, Households, and Population, prepared by Dr. John Church
61	Graphs: The Idaho Economy has Recovered from Severe Recessions in the Past, prepared by Dr. John Church
62	Water Volumes Calculated Using Peak Day Water Production Overstate Annual Water Demand, prepared by Dr. John Church
63	Map based on Figure 1 from Memorandum re Ground Water Geochemistry of Wells in the North Ada County Area of Idaho, dated January 20, 2009, with PGSA wells highlighted and noted.
64	Letter from E. Squires to Nichole Baird Spencer (City of Eagle) re Comments on Letters Submitted by NACFA and Phillip Fry Concerning the M3 Eagle Proposed Planned Community Development North of Eagle, Idaho, dated October 16, 2006.
65	M3 Eagle slide presentation (April 2009)
66	[RESERVED]
67	[RESERVED]
68	[RESERVED]
69	[RESERVED]
70	[RESERVED]

ATTACHMENT A

EXHIBIT NO.	EXHIBIT DESCRIPTION
71	[RESERVED]
72	[RESERVED]
73	[RESERVED]
74	[RESERVED]
75	[RESERVED]
76	[RESERVED]
77	[RESERVED]
78	[RESERVED]
79	[RESERVED]
80	[RESERVED]
81	[RESERVED]
82	[RESERVED]
83	[RESERVED]
84	[RESERVED]
85	[RESERVED]
86	[RESERVED]
87	[RESERVED]
88	[RESERVED]
89	[RESERVED]
90	[RESERVED]
91	[RESERVED]

ATTACHMENT A

EXHIBIT NO.	EXHIBIT DESCRIPTION
92	[RESERVED]
93	[RESERVED]
94	[RESERVED]
95	[RESERVED]
96	[RESERVED]
97	[RESERVED]
98	[RESERVED]
99	[RESERVED]

ATTACHMENT A

EXHIBIT NO.	EXHIBIT DESCRIPTION
OTHER DOCUMENTS BY OR FROM PROTESTANTS	
100	Notices of Protest
101	Protestant Questionnaires
102	Affidavit of Dale R. Ralston in Support of NACGUA's Reply to M3 Eagle's Response to NACGUA's Motion for Stay, and Limited Discovery for Purposes of Settlement, dated November 24, 2008
103	Dale Ralston List of References Reviewed, dated Feb. 2, 2009
104	Alan Smith Response to Discovery Request of Applicant M3 Eagle LLC, dated October 27, 2008.
105	Letter from K. Pennisi to Gary Spackman re NACFA's assignment of protest to NACGUA, dated August 26, 2008.
106	David Head notes re water quantity calculations (David Head Deposition Ex. 86)
107	NACGUA bullet list re M3 Eagle water right application (Morgan Masner Deposition Ex. 107)
108	E-mail and attachments from K. Pennisi to "NACFA Supporters" (Conrad Deposition Ex. 24)
109	Letter from David Head to "NACFA Water Group a/k/a . . . NACGWUA," dated August 12, 2008
110	Letter from David Head to Karl J. Dreher re Request for Comprehensive Groundwater Resource Evaluation and Consideration for New Water Rights Moratorium, dated January 25, 2006
111	Letter from Karl J. Dreher to David Head re Request for Comprehensive Groundwater Resource Evaluation and Consideration for New Water Rights Moratorium, dated May 2, 2006
112	Letter from David Head to David Tuthill re Status of Comprehensive Water Resource Evaluation in North Ada County / Follow-Up on May 12, 2006 Correspondence with Director Dreher, dated January 16, 2007
113	NACFA/NACGUA letter from David Head and John Thornton to M3 Water Protestants re Status on Protest with M3 Municipal water right application, dated September 28, 2008
114	NACGUA Meeting Presentation (October 2008)
115	[RESERVED]
116	[RESERVED]
117	[RESERVED]
118	[RESERVED]
119	[RESERVED]

ATTACHMENT A

EXHIBIT NO.	EXHIBIT DESCRIPTION
120	[RESERVED]
121	[RESERVED]
122	[RESERVED]
123	[RESERVED]
124	[RESERVED]
125	[RESERVED]
126	[RESERVED]
127	[RESERVED]
128	[RESERVED]
129	[RESERVED]

ATTACHMENT A

EXHIBIT NO.	EXHIBIT DESCRIPTION
CITY OF EAGLE WATER RIGHT APPLICATION DOCUMENTS	
130	Memorandum from Sean Vincent and Shane Bendixsen to Gary Spackman re Review of City of Eagle, Idaho 7-Day Aquifer Test Report in Support of Applications for Water Right Appropriation 63-32089 and 63-32090, dated November 29, 2006
131	Memorandum from Sean Vincent to Gary Spackman re Review of Addendum to City of Eagle, Idaho 7-Day Aquifer Test Report, dated February 27, 2006 [<i>sic - should be 2007</i>]
132	City of Eagle, Idaho 7-Day Aquifer Test Report prepared by Holladay Engineering Company, dated June 2006
133	Addendum to City of Eagle, Idaho 7-Day Aquifer Test Report prepared by Holladay Engineering Company and SPF Water Engineering, dated February 22, 2007
134	[RESERVED]
135	[RESERVED]
136	[RESERVED]
137	[RESERVED]
138	[RESERVED]
139	[RESERVED]

ATTACHMENT A

EXHIBIT NO.	EXHIBIT DESCRIPTION
SUNCOR WATER RIGHT APPLICATION DOCUMENTS	
140	Letter from Terry Scanlan (SPF Water Engineering LLC) to Steve Lester (IDWR) re Application for Permit No. 63-32061 - SunCor Idaho, LLC, dated March 3, 2005
141	Lynn Well Water Level Measurement Table and Graph prepared by SPF Water Engineering LLC, dated 10/19/2006 (Application for Permit No. 63-32061, Ex. 38)
142	Maps regarding Avimor and Spring Valley Ranch Resource Area prepared by SPF Water Engineering LLC, all dated January 20, 2006 (Application for Permit No. 63-32061, Exs. 32-34, 36)
143	Letter from Terry Scanlan (SPF Water Engineering LLC) to Bob Taunton (SunCor) re SunCor Water Level Monitoring Program Status, dated October 16, 2006, with enclosed Stipulation to Withdraw Protest between SunCor and NACFA (Application for Permit No. 63-32061, Ex. 42)
144	Aquifer Evaluation in the Big Gulch and Little Gulch Areas of Spring Valley Ranch prepared by SPF Water Engineering LLC, dated October 2004 (Application for Permit No. 63-32061, Ex. 27)
145	[RESERVED]
146	[RESERVED]
147	[RESERVED]
148	[RESERVED]
149	[RESERVED]

ATTACHMENT A

EXHIBIT NO.	EXHIBIT DESCRIPTION
	UNCATEGORIZED DOCUMENTS
150	[RESERVED]
151	[RESERVED]
152	[RESERVED]
153	[RESERVED]
154	[RESERVED]
155	[RESERVED]
156	[RESERVED]
157	[RESERVED]
158	[RESERVED]
159	[RESERVED]
160	[RESERVED]
161	[RESERVED]
162	[RESERVED]
163	[RESERVED]
164	[RESERVED]
165	[RESERVED]
166	[RESERVED]
167	[RESERVED]
168	[RESERVED]
169	[RESERVED]
170	[RESERVED]

The categorization of documents in this table is for organizational purposes only.
Exhibit numbers reserved for documents not yet identified in each category are noted as [RESERVED].

ATTACHMENT A

EXHIBIT NO.	EXHIBIT DESCRIPTION
171	[RESERVED]
172	[RESERVED]
173	[RESERVED]
174	[RESERVED]
175	[RESERVED]
176	[RESERVED]
177	[RESERVED]
178	[RESERVED]
179	[RESERVED]
180	[RESERVED]
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182	[RESERVED]
183	[RESERVED]
184	[RESERVED]
185	[RESERVED]
186	[RESERVED]
187	[RESERVED]
188	[RESERVED]
189	[RESERVED]
190	[RESERVED]
191	[RESERVED]

ATTACHMENT A

EXHIBIT NO.	EXHIBIT DESCRIPTION
192	[RESERVED]
193	[RESERVED]
194	[RESERVED]
195	[RESERVED]
196	[RESERVED]
197	[RESERVED]
198	[RESERVED]
199	[RESERVED]

ATTACHMENT B

**M3 Eagle - List of Potential Witnesses
(in alphabetical order)**

Phil Bandy
Bill Brownlee
Dr. John Church
Roger Dittus
Richard Glanzman
Steve Holt
David Koeppen
Joan Langdon
Mike McVay
Dr. James Osiensky
Dennis Owsley
Gerry Robbins
Peter Schwartzman
Logan Schirmer
Ed Squires
Mark Utting
Sean Vincent
Rob Whitney
Scott Wonders
Dr. Spencer Wood
Allan Wylie