

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

**IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 63-33063 IN THE OF JEAN)
BROBECK VANCE AND APPLICATION)
FOR PERMIT NO. 63-33064 IN THE NAME)
OF LAWRENCE & KAY HANSEN)**

**NOTICE OF COMBINED
PREHEARING CONFERENCES**

On June 3, 2008, Jean Brobeck Vance filed with the Idaho Department of Water Resources (IDWR) application for permit #63-33063. On June 10, 2008, Lawrence and Kay Hansen filed with IDWR application for permit #63-33064. Public notice was given in the Idaho Statesman for both applications on January 1 & 8 2009. Both applications were protested by Fred Nitz, Herb Nitz, John Jobe, and Herbert Lloyd. James & Michele Unsworth protested the Hansen application solely. On February 18, 2008, John Jobe withdrew his protest of the Vance application. To date, the remaining protests have not been settled for the Vance and Hansen applications.

IDWR has scheduled a combined pre-hearing conference for the protested applications to be held **9:30 AM, Wednesday, May 6, 2009, at the Idaho Department of Water Resources Western Regional Office, 2735 Airport Way, Boise, Idaho.**

The conference will be held in accordance with provisions of the IDWR Rules of Procedure and Water Appropriation Rules 40 & 45 and will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the conference, please advise IDWR at least ten (10) days prior to the conference.

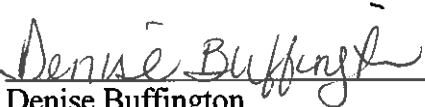
Dated this 23rd day of February, 2009



John Westra, Manager Western Region.

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of February, 2009, I mailed a true and correct copy, of the foregoing **NOTICE OF PREHEARING CONFERENCE** to the person(s) listed below:


Denise Buffington
Administrative Assistant

Conference Notice for Applications for Permit # 63-33063 & 63-33064: Procedure

Jean Brobeck Vance
5370 S Locust Grove
Meridian ID 83642

Fred Nitz
5325 S Locust Grove Rd
Meridian ID 83642

Herb Nitz
5445 S Locust Grove Rd
Meridian ID 83642

John Jobe
5495 W Locust Grove Rd
Meridian ID 83642

Herbert Lloyd
1360 E Tanya Ln
Meridian ID 83642

James & Michele Unsworth
1650 Suzan Dr
Meridian ID 83642

Lawrence & Kay Hansen
1440 E Mary Ln
Meridian ID 83642

Steve Hannula
ERO Resources
3314 Grace St
Boise ID 83703

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the Department to consider the following issues in connection with an Application for Permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is thought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the interests that the people in the area directly affected by the proposed use have in the effects of such use on the public water resource.
- 6) Is the proposed use contrary to conservation of water resources within the State of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4 & 6 above and must provide evidence for the Department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

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

WATER STATUTES (Title 42): PROCEDURE/APPROPRIATION RULES (IDAPA 37)

See -- Access Idaho Website: www.accessidaho.org .

NOTICE OF PREHEARING CONFERENCE INSERT