

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

**IN THE MATTER OF APPLICATION )  
FOR PERMIT NO. 61-12090 IN THE )  
NAME OF NEVID LLC )  
\_\_\_\_\_ )**

**NOTICE OF HEARING  
ORDER AUTHORIZING DISCOVERY**

On September 28, 2006, Boise Highland Development filed with the Idaho Department of Water Resources (IDWR) an application for permit for municipal ground water beneficial use. On October 17, 2007, Boise Highland Development assigned the application to Nevid LLC. Public notice for the application was made in the Mountain Home News April 16 & 23, 2008. A timely protest was received from Daniel S VanGrouw. A pre-hearing conference was held on December 10, 2008. The protest was not settled.

**PLEASE TAKE NOTICE** that a formal hearing will be held **9:00 AM, April 7, 8, 9, 2009** at the **Idaho Department of Water Resources State Office, Idaho Water Center, 322 E Front St, Boise, Idaho**. Parking can be found in the adjacent parking garage; there is a charge for parking. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record at the hearing, note that Rule 606 of the Department's Rules of Procedure requires that a copy be provided to each party and to the presiding officer.

The hearing will be held in accordance with the provisions of Idaho Code, Chapters 2 and 17, Title 42, Chapter 52, Title 67 and Department Rules of Procedure IDAPA37.01.01. A copy of the code/rules may be obtained from the Department's website [www.idwr.idaho.gov](http://www.idwr.idaho.gov) or upon request. Parties appearing in this matter will have opportunity to present information, examine witnesses, and provide argument relating to the contested application.

The hearing will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend or participate in the hearing, please advise the Department within 10 days prior of the hearing date.

Dated this 15<sup>th</sup> day of January, 2009

  
John Westra, Manager Western Region

## Order Authorizing Discovery

As part of the prehearing conference proceedings, parties requested discovery be authorized by the presiding officer.

### ORDER

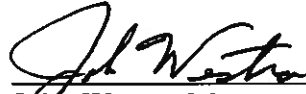
**IT IS HEREBY ORDERED** that parties to this matter are authorized to engage in discovery beginning on the date of this order.

**IT IS FURTHER ORDERED** that parties shall complete discovery on or before **March 20, 2009**.

**IT IS FURTHER ORDERED** that discovery shall be governed by the Idaho Rules of Civil Procedure. Specifically, depositions of expert witnesses must be taken according to the Idaho Rules of Civil Procedure, and any appropriate fees must be paid as set forth in the Rules of Procedure.

**IT IS FURTHER ORDERED** that parties shall exchange exhibits and witness lists, and provide a copy of proposed exhibits to the hearing officer on or before **March 27, 2009**.

Dated this 15<sup>th</sup> day of January, 2009

  
\_\_\_\_\_  
John Westra, Manager Western Region.

## CERTIFICATE OF MAILING

I hereby certify that on the 16<sup>th</sup> day of January, 2009, I mailed a true and correct copy, certified mail, postage prepaid, of listed documents to those on the attached list.

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

Denise Buffington, Administrative Assistant

### **Documents Sent**

-Notice of Hearing  
-Discovery Order

### **Mailings**

**Norman M Semanko Atty**  
**Rose Law Group Borton**  
**6223 N Discovery Way Suite 200**  
**Boise ID 83713**

**Dana Hofstetter Atty**  
**Hofstetter Law Office**  
**608 W Franklin ST**  
**Boise ID 83702**

**SPF Water Engineering**  
**300 E Mallard DR Ste 350**  
**Boise ID 83706**

**D. Gibson, SO**