

Merritt, Allen

From: Merritt, Allen
Sent: Wednesday, July 18, 2007 3:28 PM
To: 'Mark Sugden'
Cc: Spackman, Gary; elizsugd@sbfmc.org; 'lee'; Rob Williams (E-mail)
Subject: RE: Big Sky Water Transfer

Elizabeth,

I have forwarded your e-mail to Gary Spackman, the appointed hearing officer in this matter. He may respond and provide you with further clarification on how he will handle this in the hearing.

Please note that the rules of procedure of the department in part state:

355.PUBLIC WITNESSES (RULE 355).

Persons not parties and not called by a party who testify at hearing are called "public witnesses." Public witnesses do not have parties' rights to examine witnesses or otherwise participate in the proceedings as parties. Public witnesses' written or oral statements and exhibits are subject to examination and objection by parties. Subject to Rules 557 and 559, public witnesses have a right to introduce evidence at hearing by their written or oral statements and exhibits introduced at hearing, except that public witnesses offering expert opinions at hearing or detailed analysis or detailed exhibits must comply with Rule 528 with regard to filing and service of testimony and exhibits to the same extent as expert witnesses of parties. A person intending to present public witness testimony shall provide five (5) days notice prior to the hearing. The notice shall include the name and address of the witness and the general nature or subject matter of the testimony to be given. If the notice is not given, the public testimony will be allowed only at the discretion of the presiding officer upon a finding of good cause. (4-5-00)

To view all of the rules of procedure you may visit: <http://adm.idaho.gov/adminrules/rules/idapa37/0101.pdf>

The hearing is scheduled to begin at 9:00 am on 7/26 at the new Fish & Game Office off of Hwy 93 east of Jerome.

Allen

-----Original Message-----

From: Mark Sugden [mailto:msugden@magiclink.com]
Sent: Wednesday, July 18, 2007 9:26 AM
To: Merritt, Allen
Cc: elizsugd@sbfmc.org; 'lee'
Subject: Big Sky Water Transfer

I am a family practice physician who has lived and worked in Jerome County for twenty years. It is my understanding that there is a hearing in Jerome on July 26 regarding the transfer of water to Big Sky for the development of a large CAFO. I am interested in attending as a public witness to discuss my concerns about the effects of large industrial operations such as this on water quality. Is there a time for public comment? Can I register somehow as a public witness? Where and when do I attend? How long is a public witness given to speak? Is written testimony permissible?

Thanks you for your attention. I look forward to your reply.
 Sincerely,

7/18/2007

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