

SEP 03 2008

WATER RESOURCES
WESTERN REGION

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

JEFFREY C. FEREDAY
Direct Dial: 208-388-1217
E-Mail: jeffereday@givenspursley.com

Gary G. Allen
Peter G. Barton
Christopher J. Beeson
Clint R. Bolinder
Erik J. Bolinder
Jeremy C. Chou
William C. Cole
Michael C. Creamer
Amber N. Dina
Kristin Bjorkman Dunn
Thomas E. Dvorak
Jeffrey C. Fereday
Justin M. Fredin
Martin C. Hendrickson
Steven J. Hippler
Debora K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle
Michael P. Lawrence
Franklin G. Lee
David R. Lombard
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Deborah E. Nelson

Kelsey J. Nunez
W. Hugh O'Riordan, LL.M.
G. Andrew Page
Terri R. Pickens
Angela M. Reed
Scott A. Tschirgi, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

RETIRED
Kenneth L. Pursley
Raymond D. Givens
James A. McClure

September 3, 2008

Via Hand Delivery

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

Re: Motion to begin discovery in Eagle Springs Ranch water right permit
applications nos. 65-23239, 65-223105 and transfer application no. 73787;
GP File No. 10274-1

Dear Hearing Officer Westra:

Thank you for presiding last week over the settlement discussions at the initial pre-hearing conference in the above matters. We left the meeting believing we had an agreement with Jayne Reed, the protestant. We immediately faxed her a proposed stipulation containing these points, and requested that she respond by August 29. Unfortunately, we have not heard from her, and our telephone messages and a follow-up letter since then also have elicited no response. Given this, we have concluded that settlement is off the table.

Accordingly, we respectfully request that you allow the parties to initiate discovery immediately for a period of 60 days, subject to extension for good cause. I am enclosing a motion and proposed order to this effect.

We remain willing to enter a reasonable settlement, of course, but we believe the most expeditious way forward is to proceed with discovery and preparation for hearing.

In connection with your order, we suggest that you request that the parties provide you with available dates for a one-day hearing to take place as soon as possible after discovery is concluded. This also is included in the proposed order. We would appreciate a hearing date no later than the end of December 2008.

Thanks for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey C. Fereday". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jeffrey C. Fereday

Enclosures

cc: Jayne Reed (via fax)
Lloyd Mahaffy via email
Eric Oas via email
Scott Campbell via email
Scott King via email

JCF/la