

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

IN THE MATTER OF APPLICATIONS FOR)	
PERMIT NO. 63-32238 IN THE NAME OF)	NOTICE OF PREHEARING
STEVEN L &/OR CHRIS L STOUT)	CONFERENCE
_____)	

On June 9, 2005, Steven L &/or Chris L Stout filed with the Idaho Department of Water Resources (IDWR) application for permit #63-32238 to appropriate the public waters of the State of Idaho. The application was protested by Dan Bilbao Jr.

IDWR has scheduled a pre-hearing conference for the protest to be held **10:00 AM, Thursday, September 25, 2008, 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 and 45.

The conference 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 25th day of August, 2008



John Westra, Manager Western Region.

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 water 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

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of August, 2008, I mailed a true and correct copy, of the foregoing **NOTICE OF PREHEARING CONFERENCE** to the person(s) listed below:

A handwritten signature in black ink, reading "Denise Buffington", written over a horizontal line.

Denise Buffington
Administrative Assistant

STEVEN L STOUT
CHRIS L STOUT
4017 N LA MESITA WAY
BOISE ID 83702

DAN BILBAO JR
C/O GENE GIBSON
21654 WOOD LN
PARMA ID 83660

SPF WATER ENGINEERING
ATTN: TERRY SCANLAN
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