

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

**IN THE MATTER OF APPLICATIONS FOR)
PERMIT NO. 65-23239 & 65-23105 AND)
APPLICATION FOR TRANSFER NO. 73787)
IN THE NAME OF EAGLE SPRINGS RANCH))
LLC AND BARNES VENTURES INC)
_____)**

**NOTICE OF PREHEARING
CONFERENCE**

On February 27, 2008, Eagle Springs Ranch filed with the Idaho Department of Water Resources (IDWR) applications for permit #65-23239 & #65-23105 to appropriate the public waters of the State of Idaho. An application for transfer #73787 was also filed by Eagle Springs Ranch LLC and Barnes Ventures Inc. to change elements of 9 existing surface water rights. The applications were protested by Janye Reed..

IDWR has scheduled a pre-hearing conference for the protest to be held **9:30 AM, Wednesday, August 13, 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.

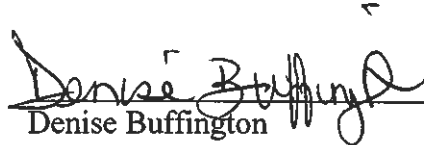
Dated this 15th day of July, 2008



John Westra, Manager Western Region.

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of July, 2008, I mailed a true and correct copy, of the foregoing **NOTICE OF PREHEARING CONFERENCE** to the person(s) listed below:


Denise Buffington
Administrative Assistant

Eagle Springs Ranch LLC
PO Box 2020
Boise ID 83701

Barnes Ventures Inc
5983 W State St, Suite D
Boise ID 83703

Jayne Reed
450 South Fork Rd
Garden Valley ID 83622

SPF Water Engineering
Attn: Scott King
600 E River Park Ln, Ste 105
Boise ID 83706

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