

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

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-23037 IN THE)
NAME OF EMMETT SCHOOL)
DISTRICT No. 221)**

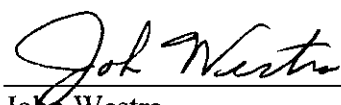
**NOTICE OF PREHEARING
CONFERENCE**

On February 16, 2006 Emmett School District No. 221, filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application received a single protest signed by Bert Osborn, Attorney.

IDWR has scheduled a pre-hearing conference for the protest, to be held on **Monday August 27, 2007 at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise Idaho 83705**. The conference will be held in accordance with provisions of Procedure of the Department of Water Resources, and Rules 40 and 45 of the Adopted Rules of Water Appropriation of the Department of Water Resources.

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 18th day of June, 2007



John Westra

Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of June, 2007, I mailed a true and correct copy, of the foregoing **NOTICE OF PREHEARING CONFERENCE** to the person(s) listed below:


Denise Buffington
Administrative Assistant

Emmett School District No. 221
601 E 3rd St
Emmett ID 83617

Bert Osborn, Attorney
PO Box 158
Payette ID 83661

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 affairs of the people in the area directly affected by the proposed use?
- 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.