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WASHINGTON

* LICENSED IN IDAHO ONLY

January 4, 2008

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JAN 07 2008
DEPARTMENT OF
WATER RESOURCES

Gary Spackman, Presiding Officer
Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83720

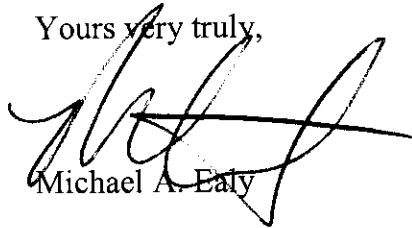
Re: In the Matter of Application for Permit No. 96-9253

Dear Mr. Spackman:

Enclosed for filing and your review in the above-referenced matter please find Applicant's Motion to Shorten Time for Disclosure of Expert Witnesses, proposed Order to Shorten Time, and Applicant's Expert Witness Disclosure.

Thank you for your attention to this matter.

Yours very truly,



Michael A. Ealy

MAE:dr
Enclosures
cc: Scott W. Reed
Arthur B. Macomber

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DEPARTMENT OF
WATER RESOURCES

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Michael A. Ealy, ISB# 5619

Attorneys for Kootenai Land and Trust, LLC

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 96-9253 IN THE NAME
OF KOOTENAI LAND AND TRUST, LLC

**MOTION TO SHORTEN TIME
FOR DISCLOSURE OF EXPERT
WITNESSES**

COMES NOW Kootenai Land and Trust, LLC, by and through its counsel of record Michael A. Ealy, and respectfully moves this Department for an order to shorten time for their Expert Witness Disclosure on the grounds that the Applicant's untimely disclosure was inadvertent and the result of a scheduling error on the part of the Applicant's attorney. This motion is not intended to cause any undue delay or to prejudice the Protestant. The Applicant reasonably believes the Protestant and its agents knew Rob Tate, P.E. and Tate Engineering, Inc. to be retained by the Applicant and the Protestant and Applicant having previously met with Mr. Robert Haynes, Regional Director, IDWR, for the purposes of an informal conference.

///

MOTION TO SHORTEN TIME TO ALLOW FOR DISCLOSURE
OF EXPERT WITNESSES - 1

RAMSDEN & LYONS
PO BOX 1336
COEUR D'ALENE ID 83816-1336
(208) 664-5818

1 DATED this 4 day of January, 2008.

2 RAMSDEN & LYONS

3
4 By

Michael A. Ealy,

Attorneys for Kootenai Land and Trust, LLC

5
6
7 **CERTIFICATE OF MAILING**

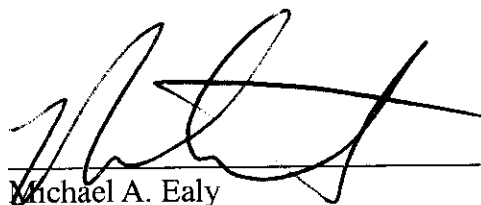
8 The undersigned certifies under penalty of perjury that he has deposited the
9 foregoing document in the United States mail, postage prepaid, addressed as follows
10 on the 4 day of January, 2008:

11 Arthur B. Macomber
12 408 E. Sherman Ave., Suite 215
13 Coeur d'Alene, ID 83814
14 Fax: 208-664-9933

Gary Spackman, *Presiding Officer*
Idaho Dept. of Water Resources
322 E. Front Street
Boise, ID 83720
Fax: 208-287-6700

14 Scott W. Reed
15 P.O. Box A
16 401 E. Front Ave.
17 Coeur d'Alene, ID 83814
18 Fax: 208-765-5117

Robert Haynes, *Regional Manager*
Idaho Dept. of Water Resources
7600 Mineral Drive, Ste. 100
Coeur d'Alene, ID 83815
Fax: 208-762-2819

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Michael A. Ealy

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WATER RESOURCES

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Attorneys for Kootenai Land and Trust, LLC

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 96-9253 IN THE NAME
OF KOOTENAI LAND AND TRUST, LLC

ORDER TO SHORTEN TIME

THIS MATTER having come before the Department of Water Resources and based upon the Applicant's Motion to Shorten Time for Disclosure of Expert Witnesses and good cause appearing therefore, and the determination that granting said motion shall not prejudice the Protestant,

IT IS HEREBY ORDERED that Applicant's Motion to Shorten Time is granted to allow them to file their Expert Witness Disclosure.

DATED this _____ day of January, 2008.

Gary Spackman
Hearing Officer

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CERTIFICATE OF MAILING

The undersigned certifies under penalty of perjury that he has deposited the foregoing document in the United States mail, postage prepaid, addressed as follows on the ____ day of _____, 2008:

- Kootenai Land and Trust, LLC
c/o Michael A. Ealy
Ramsden & Lyons, LLP
P.O. Box 1336
Coeur d'Alene, ID 83816-1336
- Kootenai Environmental Alliance
c/o Scott W. Reed
P.O. Box A
Coeur d'Alene, ID 83814
- Kootenai Environmental Alliance
c/o Arthur B. Macomber
408 E. Sherman Ave., Suite 215
Coeur d'Alene, ID 83814

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

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JAN 07 2006

DEPARTMENT OF
WATER RESOURCES

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Michael A. Ealy, ISB# 5619
Attorneys for Kootenai Land and Trust, LLC

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 96-9253 IN THE NAME
OF KOOTENAI LAND AND TRUST, LLC

EXPERT WITNESS DISCLOSURE

COMES NOW Kootenai Land and Trust, LLC, by and through its counsel
of record Michael A. Ealy, and discloses expert witnesses that may testify at the
hearing on behalf of Kootenai Land and Title, LLC:

1) Robert Tate, P.E.
Bob Chandler, P.E.
Tate Engineering, Inc., 1103 N. 4th. Street, Coeur d'Alene, ID 83814
208-676-8708

2) Robert Haynes, Regional Manager
Idaho Department of Water Resources
7600 Mineral Drive, Suite 100, Coeur d'Alene, ID 83815
208-762-2800

///

1 3) The Applicant discloses and gives notice that IDWR agency staff,
2 including Mr. Haynes, may be called to appear and give testimony and/or provide
3 a report or recommendation at the time of the hearing pursuant to Rule 201. To
4 the extent such testimony and/or reports and recommendations are considered
5 expert testimony, it is disclosed as such in accord with the Order Granting Motion
6 for Continuance and Authorizing Discovery.

7 DATED this 4 day of January, 2008.

8 RAMSDEN & LYONS

9 By 

10 Michael A. Ealy,

11 Attorneys for Kootenai Land and Trust, LLC

12 **CERTIFICATE OF MAILING**

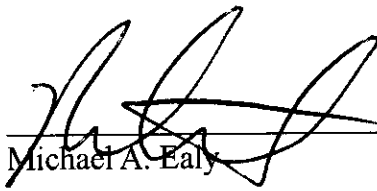
13 The undersigned certifies under penalty of perjury that he has deposited the
14 foregoing document in the United States mail, postage prepaid, addressed as follows
15 on the 9 day of January, 2008:

16 Arthur B. Macomber
17 408 E. Sherman Ave., Suite 215
18 Coeur d'Alene, ID 83814
19 Fax: 208-664-9933

20 Gary Spackman, *Presiding Officer*
21 Idaho Dept. of Water Resources
22 322 E. Front Street
23 Boise, ID 83720
24 Fax: 208-287-6700

25 Scott W. Reed
P.O. Box A
401 E. Front Ave.
Coeur d'Alene, ID 83814
Fax: 208-765-5117

Robert Haynes, *Regional Manager*
Idaho Dept. of Water Resources
7600 Mineral Drive, Ste. 100
Coeur d'Alene, ID 83815
Fax: 208-762-2819


Michael A. Ealy