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FAX TRANSMITTAL

DATE: January 4, 2008

TO: Gary Spackman, Presiding Officer
Idaho Department of Water Resources
FAX NO: 208-287-6700

TO: Robert Haynes, Regional Manager
Idaho Department of Water Resources
FAX NO: 208-762-2819

TO: Arthur B. Macomber
FAX NO: 208-664-9933

TO: Scott W. Reed
FAX NO: 208-765-5117

FROM: Michael A. Ealy, Attorney for Applicant
FAX NO: (208) 664-5884

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

NUMBER OF PAGES: 8 (INCLUDING THIS TRANSMITTAL PAGE)

HARD COPY TO FOLLOW: Yes ☒ No ☐

COMMENTS: Please see attached cover letter, Applicant's Motion to Shorten Time for Disclosure of Expert Witnesses, proposed Order to Shorten Time, and Applicant's Expert Witness Disclosure.

SHOULD ANY PROBLEM OCCUR IN TRANSMISSION,
PLEASE CALL (208) 664-5818

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January 4, 2008

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

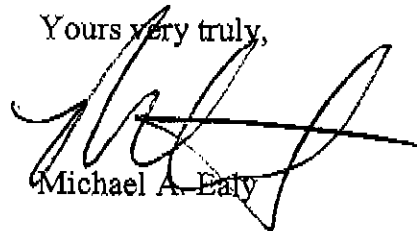
Re: In the Matter of Application for Permit No. 96-9253

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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7 Michael A. Ealy, ISB# 5619

8 Attorneys for Kootenai Land and Trust, LLC

9
10
11 BEFORE THE DEPARTMENT OF WATER RESOURCES
12 OF THE STATE OF IDAHO
13

14
15 IN THE MATTER OF APPLICATION
16 FOR PERMIT NO. 96-9253 IN THE NAME
17 OF KOOTENAI LAND AND TRUST, LLC

18
19 MOTION TO SHORTEN TIME
20 FOR DISCLOSURE OF EXPERT
21 WITNESSES
22

23 COMES NOW Kootenai Land and Trust, LLC, by and through its counsel
24 of record Michael A. Ealy, and respectfully moves this Department for an order to
25 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.

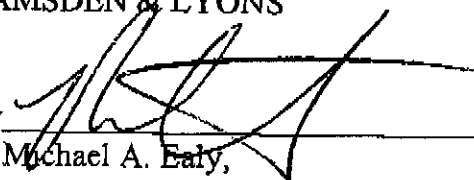
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27 MOTION TO SHORTEN TIME TO ALLOW FOR DISCLOSURE
28 OF EXPERT WITNESSES - 1

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1 DATED this 4 day of January, 2008.

2 RAMSDEN & LYONS

3
4 By 

Michael A. Ealy,

Attorneys for Kootenai Land and Trust, LLC

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

15 Scott W. Reed
16 P.O. Box A
17 401 E. Front Ave.
18 Coeur d'Alene, ID 83814
19 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

20 
Michael A. Ealy

21
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23
24
25 MOTION TO SHORTEN TIME TO ALLOW FOR DISCLOSURE
OF EXPERT WITNESSES - 2

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7 Michael A. Ealy, ISB# 5619

8 Attorneys for Kootenai Land and Trust, LLC

9
10
11 BEFORE THE DEPARTMENT OF WATER RESOURCES
12 OF THE STATE OF IDAHO

13
14
15 IN THE MATTER OF APPLICATION
16 FOR PERMIT NO. 96-9253 IN THE NAME
17 OF KOOTENAI LAND AND TRUST, LLC

18 ORDER TO SHORTEN TIME

19
20 THIS MATTER having come before the Department of Water Resources
21 and based upon the Applicant's Motion to Shorten Time for Disclosure of Expert
22 Witnesses and good cause appearing therefore, and the determination that granting
23 said motion shall not prejudice the Protestant,

24
25 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

ORDER TO SHORTEN TIME - 1

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

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

ORDER TO SHORTEN TIME - 2

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12 OF THE STATE OF IDAHO

13
14 IN THE MATTER OF APPLICATION
15 FOR PERMIT NO. 96-9253 IN THE NAME
16 OF KOOTENAI LAND AND TRUST, LLC

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25
EXPERT WITNESS DISCLOSURE

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

29 1) Robert Tate, P.E.

30 Bob Chandler, P.E.

31 Tate Engineering, Inc., 1103 N. 4th. Street, Coeur d'Alene, ID 83814

32 208-676-8708

33 2) Robert Haynes, Regional Manager

34 Idaho Department of Water Resources

35 7600 Mineral Drive, Suite 100, Coeur d'Alene, ID 83815

36 208-762-2800

37 ///

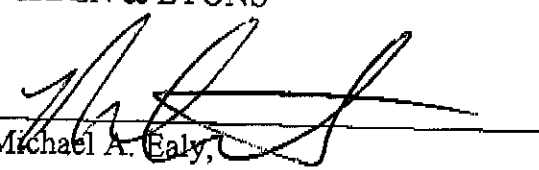
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RAMSDEN & LYONS
PO BOX 1336
COEUR D'ALENE ID 83816-1336
(208) 664-5818

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**

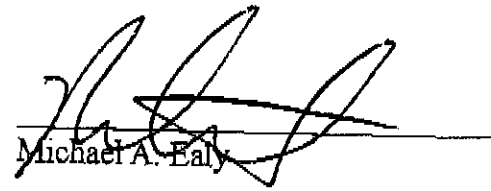
13 The undersigned certifies under penalty of perjury that he has deposited the
14 foregoing document in the United States mail, postage prepaid, addressed as follows
15 on the 4 day of January, 2008:

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

EXPERT WITNESS DISCLOSURE - 2

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