

NOV 23 2007

IDWR/North

**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 GRANTING MOTION
FOR CONTINUANCE AND
AUTHORIZING DISCOVERY**

On August 30, 2007, the Idaho Department of Water Resources ("IDWR") conducted a prehearing conference for the above titled contested case.

On October 30, 2007, IDWR served a Notice of Hearing on the applicant and upon the protestant, Kootenai Environmental Alliance ("KEA"). The Notice of Hearing scheduled the hearing for December 19, 2007.

On November 2, 2007, KEA, through its executive director, filed a Request for Order Authorizing Discovery with the IDWR. The applicant did not object to the request.

On November 9, 2007, attorneys Arthur B. Macomber and Scott W. Reed filed a notice of appearance for KEA.

On November 9, 2007, Arther B. Macomber, attorney for KEA, filed a Motion for Authorization to Conduct Discovery and a Motion for Continuance.

The short time period between the issuance of the Notice of Hearing and the hearing date does not allow sufficient time for discovery. The parties are entitled to a longer period of time for discovery. The discovery period should not unduly delay the hearing, however. A discovery period of approximately ninety days should be sufficient for the completion of discovery. Another two weeks is an appropriate period for hearing preparation, including exchange of exhibits.

ORDER

IT IS HEREBY ORDERED that the hearing scheduled for December 19, 2007, is continued, cancelled, and postponed.

IT IS FURTHER ORDERED that a hearing shall be conducted in March 2008. Each party shall mark out the days it is unavailable on the enclosed March 2008 calendar and return it to Deborah Gibson, Idaho Department of Water Resources, 322 East Front Street, PO Box 83620, Boise, ID 83620, on or before November 30, 2007. If a marked

calendar is not returned to IDWR on or before the November 30, 2007 deadline, IDWR will assume that the party not returning the calendar is available for hearing all weekdays in March. IDWR will schedule the hearing shortly after November 30, 2007.

IT IS FURTHER ORDERED that the parties to this matter are authorized to engage in discovery beginning on the date of this order.

IT IS FURTHER ORDERED that discovery shall be governed by the Idaho Rules of Civil Procedure, except:

1. Requests for admission shall not be allowed; and
2. Interrogatories and requests for production of documents must be served upon the party from whom discovery is sought on or before January 11, 2008.

IT IS FURTHER ORDERED that, on or before December 21, 2007, each party shall disclose to the other party each expert witness that may testify for the disclosing party at the hearing.

IT IS FURTHER ORDERED that all interrogatories and requests for documents shall be answered on or before February 1, 2008.

IT IS FURTHER ORDERED that all depositions shall be complete on or before February 15, 2008.

IT IS FURTHER ORDERED that, on or before February 29, 2008, each party shall provide a copy of any document that may be offered as an exhibit at the contested case hearing to all other parties and the hearing officer.

Dated this 19th day of November, 2007.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of November, 2007, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

KOOTENAI LAND & TRUST LLC
PO BOX 1570
POST FALLS ID 83877

KOOTENAI ENVIRONMENTAL ALLIANCE
C/O ARTHUR B MACOMBER
408 E SHERMAN AVE STE 215
COEUR D ALENE ID 83814

KOOTENAI ENVIRONMENTAL ALLIANCE
C/O SCOTT W REED
PO BOX A
COEUR D ALENE ID 83814



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

March 2008

March 2008

April 2008

S	M	T	W	T	F	S	S	M	T	W	T	F	S
2	3	4	5	6	7	8	1	6	7	8	9	10	11
9	10	11	12	13	14	15	2	13	14	15	16	17	18
16	17	18	19	20	21	22	3	20	21	22	23	24	25
23	24	25	26	27	28	29	4	27	28	29	30	26	
30	31												

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					March 1
3			5	6	7
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