

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER 71607 IN THE)
NAME OF 4 BROS. DAIRY, INC.)
_____)

**REQUEST FOR SUBMISSION OF
IDWR STAFF MEMORANDUM**

WHEREAS IDAPA 37.01.01.600 allows the Idaho Department of Water Resources (“IDWR’s”) “experience, technical competence and specialized knowledge” to be used in the evaluation of evidence; and

WHEREAS IDAPA 37.01.01.602 allows a hearing officer to notice technical or scientific facts within IDWR’s specialized knowledge, including agency staff memoranda and data; and

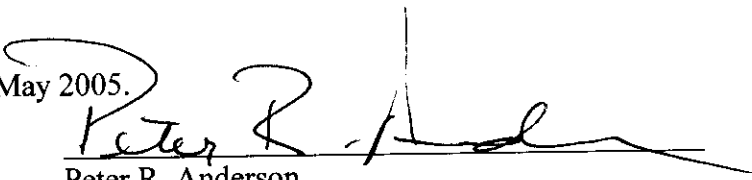
WHEREAS the hearing officer is not an employee of IDWR and has no means to utilize IDWR’s experience, technical competence and specialized knowledge other than by querying IDWR;

THEREFORE the hearing officer invites IDWR to present staff memoranda or other data compilations evaluating the above-captioned matter, which could include, without limitation:

1. An analysis by IDWR staff of whether the application at issue should be granted and, if so, any conditions that should be placed on that approval;
2. A listing of any IDWR memoranda that are applicable to this application;
3. An analysis of the availability of water at the proposed point of diversion, or analysis of any studies related to the availability of water at the proposed point of diversion; and
4. A G.I.S. map showing the proposed place of use and points of diversion as described by the applicant.

Any such staff memoranda or data compilations shall be submitted to the hearing officer on or before July 8, 2005, and served upon the parties to this matter. IDWR would be required to make relevant staff available for cross-examination at any hearing set in this matter pursuant to IDAPA 37.01.01.201 and 602.

Dated this 20th day of May 2005.


Peter R. Anderson
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of May, 2005, the above and foregoing, 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:

4 BROS. DAIRY INC
ANDREW FITZGERALD
427 N 250 W
SHOSHONE ID 83352

ROBERT WILLIAMS
FREDERICKSEN WILLIAMS
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JEROME ID 83338-0168

CHARLES BROCKWAY PE PHD
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JA NENE BUCKWAY
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BEV ASHTON
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JERRY & SUSAN WESTENDORF
707 W 470 N
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RUSSELL & PAMELA PANTONE
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LINCOLN CO RURAL COUNCIL
C/O RICH CARLSON
PO BOX 21
FILER ID 83328


Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources