

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 72128)
(REGARDING WATER RIGHT NOS.)
61-2072, 61-2167, 61, 2170, 61-2210,)
61-7184, & 61-7339) IN THE NAME)
OF THE CITY OF MOUNTAIN HOME)
_____)

**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;

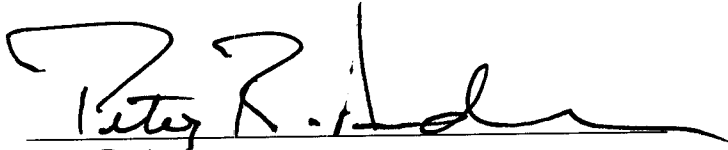
THEREFORE the hearing officer invites IDWR to present staff memoranda or other data compilations evaluating the above-captioned matter, which could include, without limitation:

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 or studies that may be 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 August 11, 2006, and served upon the party 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 13th day of July 2006.



Peter R. Anderson
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of July, 2006, 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:

CITY OF MOUNTAIN HOME
C/O JAY FRIEDLY
340 E 2 N
MOUNTAIN HOME ID 83647
(208) 587-3144

☒ U.S. Mail, Postage Prepaid
☐ Facsimile
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RICHARD MC MAHON
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Victoria Wigle
Administrative Assistant to the Director