

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER)
NO. 66616)
)
USDA-FOREST SERVICE,)
Applicant)
EARL L. WARTHEN,)
Protestant)
)
)
)
AND)
)
IN THE MATTER OF APPLICATION FOR PERMIT)
NO. 45-7745)
)
)
USDA-FOREST SERVICE,)
Applicant)
)
EARL L. WARTHEN, FRED HAWKER)
Protestants)
)
_____)

**NOTICE OF CANCELLATION OF JOINT PRE-
HRG CONFERENCE and RE-SET DATE**

Source: Surface Water

County: Cassia

On January 05, 1998 the USDA-Forest Service, applicant, filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. On September 3, 1999 the USDA-Forest Service also filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The Department has received a protest against the approval of said applications from the above captioned protestants.

On 10/24/2001, the Department sent notice setting the matter of protest for a Pre-Hearing Conference for November 26, 2001 in the above captioned matter. It is now my understanding that both the applicant and the protestants are in agreement to cancel the conference to allow for further discussion and investigation.

I hereby cancel the hearing scheduled for November 26, 2001 and furthermore,

Re-set the date for said Joint Pre-Hearing Conference for Tuesday-January 29, 2002 commencing at 1:00 p.m. in the Conference Room, USDA-Forest Service Building, 3650 South Overland Avenue; Burley ID.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with Chapter 2, Title 42, of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources.

The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 16th day of November, 2001.

A handwritten signature in black ink, appearing to read "Allen D. Merritt", is written over a horizontal line.

Allen D. Merritt, P.E.
Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of November, 2001 a true and correct copy of the foregoing Notice of Cancellation and Notice of Re-Set Pre-Hearing Conference Date was forwarded with all required charges prepared, by regular U.S. Mail, to the parties listed:


Secretary

STEVE SPENCER
USDA-FOREST SERVICE
380 PARKCENTER-STE #330
BOISE ID 83706

WILLIAM LEVERE
ZEKE ZIMMERMAN
USDA-FOREST SERVICE
2647 KIMBERLY RD
TWIN FALLS ID 83301

EARL L WARTHEN
PO BOX 145
ALBION ID 83311

NORMAN M SEMANKO ESQ
ATTORNEY AT LAW
410 S ORCHARD, STE# 144
BOISE ID 83705

CHAIRMAN V THOMAS GEARY
MARSH CR WATER DIST #45-F
PO BOX 53
ALBION ID 83311

DON GUNDERSON WATERMASTER
WATER DISTRICT #45-F
PO BOX 125
ALBION ID 83311

ATTN WOODY ANDERSON
ANDRWOOD, INC
PO BOX 158
ALBION ID 83311

ROGER D LING
LING NIELSEN & ROBINSON
PO BOX 396
RUPERT ID 83350

FRED HAWKER
361 W 400 S
BURLEY ID 83318