



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 13, 2006

To: Protestants on the Attached List

Re: Application for Transfer No. 72128 in the Name of the City of Mountain Home

Dear Protestants:

This office acknowledges receipt of your protest opposing the above-referenced application for transfer. The following are the criteria we consider when either approving or denying an application for transfer:

1. Will other water rights be injured by the transfer?
2. Will the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for Wednesday, April 12, 2006 at 9:00 am. at the Mountain Home City Hall in Mountain Home, Idaho 83647.

Also enclosed is a survey that we need you to complete and return to IDWR before March 24, 2006.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If we may be of assistance, please contact us.

Sincerely,

John Westra

Western Regional Manager

JW:sk

Encl. Notice of Prehearing Conference
Survey

FORREST FREER
2690 S 10TH E
MOUNTAIN HOME ID 83647

CHARLES OLSON
RT 1 BOX 777E
MOUNTAIN HOME ID 83647

BILL SANDERS
2400 E 12 S
MOUNTAIN HOME ID 83647

MAE SANDERS
PO BOX 759
MOUNTAIN HOME ID 83647

JOSEPH & GLORIA SWAILS
PO BOX 625
MOUNTAIN HOME ID 83647

ESTHER FISHER
PO BOX 36
MOUNTAIN HOME ID 83647

PATRICK CRUSER
1360 OWYHEE DR
MOUNTAIN HOME ID 83647

ROBERT K LYTLE
1955 S MAIN ST
MOUNTAIN HOME ID 83647

RALPH GROEFSEMA
1400 S 18 E
MOUNTAIN HOME ID 83647

JIM CARRIE
PO BOX 624
MOUNTAIN HOME ID 83647

RONALD FISHER
1545 E 12TH S
MOUNTAIN HOME ID 83647

CLAIR LONG
RT 1 BOX 757-D
MOUNTAIN HOME ID 83647

LUIS & LA SHELL LASUEN
1250 E 12TH S
MOUNTAIN HOME ID 83647

AARON MARTIN
1220 E 12TH S
MOUNTAIN HOME ID 83647

JOSEPH W FERBRACHE
990 S 18TH E
MOUNTAIN HOME ID 83647

JERRY LOOSLI
1825 E 6TH S
MOUNTAIN HOME ID 83647

MICHAEL & MARILYN LANDERS
2635 E 12TH S
MOUNTAIN HOME ID 83647

RAMONA YRAZABAL
1685 E 6TH S
MOUNTAIN HOME ID 83647

JACK DONAHUE
RT 1 BOX 757
MOUNTAIN HOME ID 83647

GEORGE HAZZARD
1805 E 12TH S
MOUNTAIN HOME ID 83647

EDMOND LOOSLI
1835 E 6TH S
MOUNTAIN HOME ID 83647

WILLIAM & THERESA BROWN
925 S 14TH E
MOUNTAIN HOME ID 83647

TRUMAN E PARKER
2200 E 6TH S
MOUNTAIN HOME ID 83647

DELBERT & LOIS YORK
RR #1 BOX 752
MOUNTAIN HOME ID 83647

RICHARD FISHER
4165 S 18TH W
MOUNTAIN HOME ID 83647



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 13, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Re: Application for Transfer No. 72128 in the Name of the City of Mountain Home

Dear Applicant:

Enclosed please find a copy of protests filed against the above-referenced application for transfer and application for amendment. You should be aware that the following are the criteria we consider when either approving or denying an application for transfer or amendment:

1. Will other water rights be injured by the transfer or the amendment?
2. Will the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for April 12, 2006, at 9:00 a.m. at the Mountain Home City Hall in Mountain Home, Idaho 83647.

Also enclosed is a survey that we need you to complete and return to IDWR before March 24, 2006.

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If we may be assistance, please contact us.

Sincerely,

John Westra
Western Regional Manager

JW:sk

Encl. Copy of Protests
Notice of Prehearing Conference

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

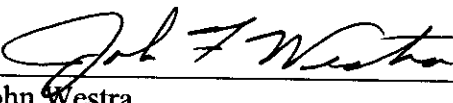
IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 72128 IN)
THE NAME OF THE CITY OF) NOTICE OF PREHEARING
MOUNTAIN HOME.) CONFERENCE
)
)
)

On January 13, 2006, the City of Mountain Home filed with the Department of Water Resources (IDWR) an application for transfer of water rights. The application was protested by those on the attached list.

The Department has set the contested case for a prehearing conference to be held on **Wednesday, April 12, 2004 at 9:00 a.m. at the Mountain Home City Hall, 160 S 3rd E, Mountain Home, Idaho 83647.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The prehearing conference will be conducted in a facility that satisfies 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 IDWR at least ten (10) days prior to the conference.

Dated this 10th day of March 2006.



John Westra
Western Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of March 2006 I mailed a true and correct copy, postage prepaid, of this Notice of Prehearing Conference to those on the attached list:


Sue Kreger
Administrative Assistant

FORREST FREER
2690 S 10TH E
MOUNTAIN HOME ID 83647

CHARLES OLSON
RT 1 BOX 777E
MOUNTAIN HOME ID 83647

BILL SANDERS
2400 E 12 S
MOUNTAIN HOME ID 83647

MAE SANDERS
PO BOX 759
MOUNTAIN HOME ID 83647

JOSEPH & GLORIA SWAILS
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4165 S 18TH W
MOUNTAIN HOME ID 83647

CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER

Section 42-222, Idaho Code, requires the department to consider the following issues in connection with an application for transfer:

- 1) Will the proposed transfer injure other water rights?
- 2) Will the proposed transfer constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof of issues 1, 2 and 4 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 13, 2006

Protestants

Re: Water Right Application in the name of the City of Mountain Home

Dear Interested Parties:

In preparation for the Prehearing Conference on April 12th, 2006 please answer the questions on the enclosed questioner and mark the location of your well on the enclosed map and return them to our office at your earliest convenience. Your cooperation is appreciated and will allow us to prepare for the Prehearing Conference.

If you have any questions, please contact this office at (208) 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'Manuel Rauhut', is written over a horizontal line.

Manuel Rauhut

Encl.: Questioner and map for completion

Questioner

Please return to our office with the attached map indicating the location of your well. If you have a copy of the well log please submit that as well.

Name

Tag Number of the well (if available can be found on the casing of your well)

Well Location (example: T2N, R1W, S12, SWNE):

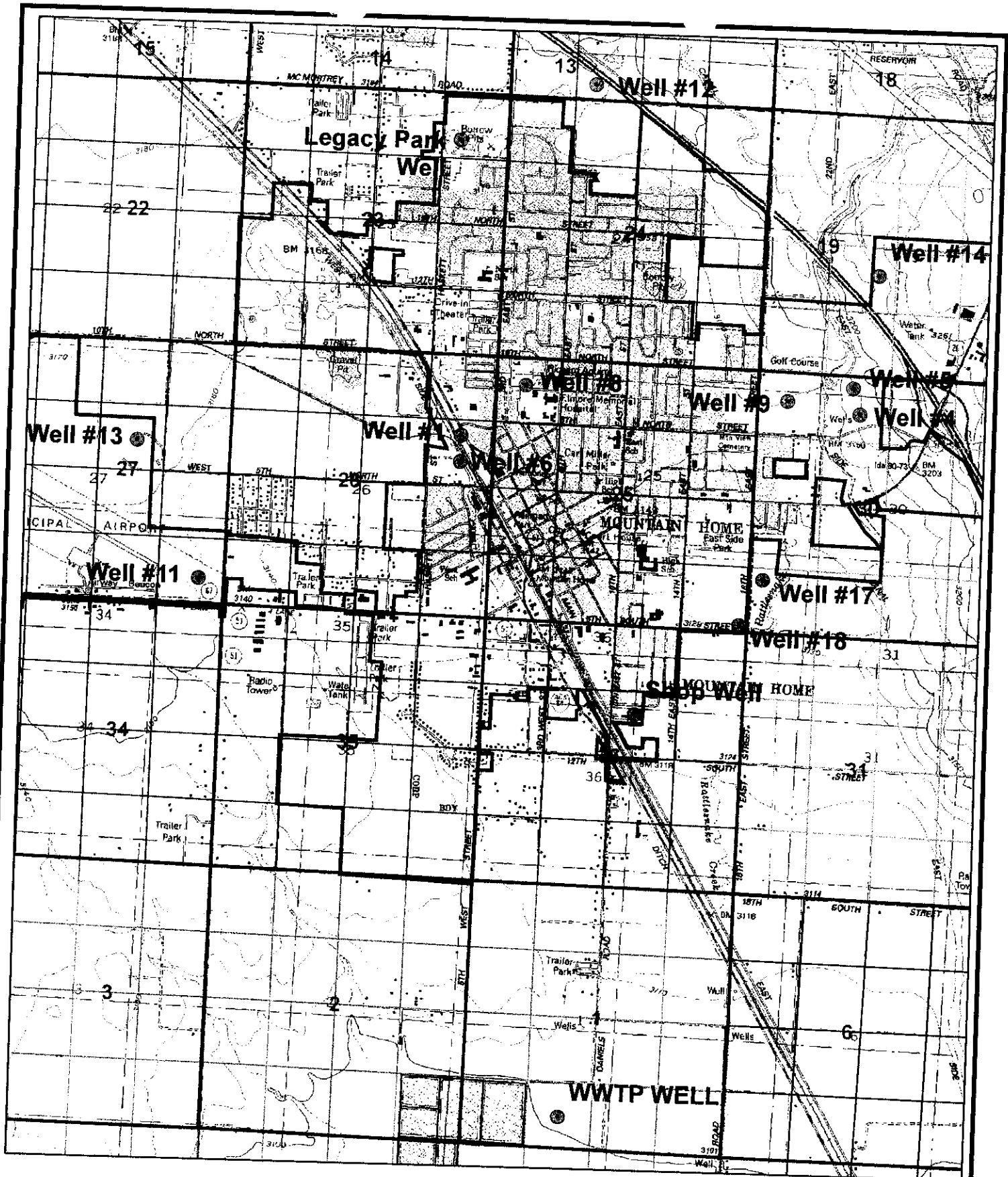
Well Depth:

Pumping Level:

Year drilled:

Water right number if applicable:

Additional Comments:



**CITY OF MOUNTAIN HOME
EXHIBIT A**

BROCKWAY ENGINEERING, PLLC.
ALR - 12/27/2005 (Rev 01/11/2006)

Legend

CITY_LIMITS	104s07e
Wells	103s06e
Section_Lines	103s07e
104s06e	

N
SCANNED
MAY 18 2006