

Warner, Roger

From: Warner, Roger
Sent: Thursday, May 26, 2005 10:43 AM
To: Travis Thompson (E-mail)
Cc: Carlson, Ron; Cox, Sharla; Kent W. Foster (E-mail)
Subject: Hearing request for Application for Permit No. 25-14166

Travis,

The Idaho Department of Water Resources received a formal written request from counsel, Kent Foster, representing Comore Loma (25-14166) for a hearing. As you are aware, the Department's way in proceeding to hearing is to hold a pre-hearing conference. This procedure has not changed BUT I feel requires some revision.

As agency representative, I am responsible for conducting the pre-hearing conferences for Eastern Region. I view the primary reason for the department to hold pre-hearing conferences as an opportunity for the applicant and protestant to meet on neutral ground to discuss the application in detail and resolve any misunderstanding(s). My experience in attending pre-hearing conferences held for this purpose have resulted in nearly half of protested applications being resolved. We view this as being positive since it results in less expenditure for all parties involved including the Department. A secondary reason for a pre-hearing conference is to set dates for the hearing, deadlines and/or Orders for discovery, etc.,.

The reason I bring this up is that I want to determine the "type" of pre-hearing conference that may be expected for this particular application. If it is for setting dates and deadlines, we can all do that telephonically. However, if we want to establish a dialogue and discuss the merits of the application, I feel it is necessary for ALL involved to be physically present. That translated means that I do not intend to provide access to the pre-hearing conference via telephone UNLESS it is for the purpose of setting deadlines and making schedules.

I look forward to your answer in the near future but respectfully ask that you not take more than a week of receipt of this message to decide. Then, my Secretary, Sharla Cox, send out calendars to schedule the pre-hearing conference.
regards,
Roger.

W. Roger Warner

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