

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
TO EXCHANGE WATER RIGHT)
NOS. 65-3222 AND 65-8290 IN)
THE NAME OF PTR INC.)
_____)

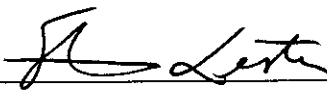
**NOTICE OF PREHEARING
CONFERENCE**

On March 28, 2003 PTR Inc. filed with the Idaho Department of Water Resources (IDWR) an application to exchange water rights. The application was protested by Stuart Weimer.

IDWR has scheduled a prehearing conference for the protest to be held on **Thursday, December 11, 2003 at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.** 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 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 17th day of October 2003.



Steve Lester

CERTIFICATE OF MAILING

I hereby certify that on the ____ day of October 2003, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:

Sue Kreger
Administrative Assistant

PTR INC
C/O SANDRA KANE
9949 W EDNA
BOISE ID 83704

BRYCE FARRIS
RINGERT CLARK CHTD
PO BOX 2773
BOISE ID 83701-2773

STUART R WEIMER
C/O MATT HOWARD
PO BOX 190012
BOISE ID 83719

STUART WEIMER
19 SPRING GULCH RD
GARDEN VALLEY ID 83622

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR EXCHANGE OF WATER

Section 42-240, Idaho Code, requires the department to consider the following issues in connection with an application for extension of time to avoid forfeiture:

1. Will the proposed exchange injure other water rights?
2. Will the proposed exchange constitute an enlargement of use of the original right or rights?
3. Is the proposed exchange in the local public interest?
4. Is the proposed exchange consistent with conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant bears the initial burden of proof for issues 1 and 2 above and must provide evidence for the department to evaluate these criteria. The applicant must also establish that the water right is valid. Forfeiture must be established by clear and convincing evidence.

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.