

MAY 17 2004

WATER RESOURCES  
WESTERN REGION

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May 13, 2004

Mr. Rob Whitney  
Idaho Department of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID 83705

Re: Application for Transfer No. 70900 in the Name of the Corporation of the  
Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints

Dear Mr. Whitney:

As discussed in yesterday's pre-hearing conference, and in light of the parties' inability to reach a resolution of the protests to the above-referenced transfer, I am requesting that the Department issue a scheduling order setting the matter for hearing at the earliest opportunity. I also request the scheduling order require those persons named in Mr. Smith's "protest" letter to submit a written statement: 1) confirming that they are in fact a protestant; 2) that they intend to appear at any hearing; and 3) setting out specifically what facts they intend to prove and what if any evidence they intend to offer. To avoid surprise or prejudice, such written confirmation should be required to be filed with the Department and served on the Applicant at least fourteen days prior to the scheduled hearing.

Given the limited issues raised at the pre-hearing conference, I believe the matter could be heard in a half-day. Mr. Scanlan will be unavailable from June 21<sup>st</sup> through July 4<sup>th</sup>. Mr. Egbert, the Applicant's representative, is unavailable June 16-18. I am unavailable May 24-28. Consequently, a hearing date in the first two weeks of June is requested.

Sincerely,

  
Michael C. Creamer

cc: John Egbert  
Terry Bradshaw  
Bruce Findlay  
Terry Scanlan  
Robert R. Smith  
Morgan Plant