

1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2
3 In the Matter of the Application for a Permit
To Transport Water Out of State

No. 07A-TR001-DWR

4
5 Permit No. 33-96790

CASE MANAGEMENT ORDER 5

**(1) Summary of Pre-Hearing
Conference**

6 Applicant: Wind River Resources, L.L.C.

**(2) Clarifying Status of Interested
Persons' Involvement**

(3) Providing Tentative Schedule

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11 A Pre-hearing Conference was held on February 5, 2007, a summary of which, and
12 related orders follow:

13 Status of the Administrative Record

14 ADWR's attorney, Ms. Ronald, noted that the administrative record includes all
15 information received by ADWR from the time that the Wind River's Application was filed
16 until the Notice of Hearing was issued. ADWR will submit that record as an exhibit.

17
18 The Scope of Interested Persons' Involvement in the Hearing Process

19 Discussion was held with respect to whether or not Interested Persons would be
20 allowed to submit exhibits and whether or not Interested Persons will be subject to
21 cross-examination by the parties. The Administrative Law Judge ("ALJ") indicated that
22 Interested Persons will be allowed to submit exhibits with their written or oral testimony,
23 provided these exhibits (and associated testimony) meet the basic foundational
24 requirements. The parties will be allowed adequate time to present rebuttal evidence.

25 The ALJ also indicated that Interested Persons would not be subject to cross-
26 examination by the parties. This determination is based on the fact that these Interested
27 Persons are not being called as witnesses by any party.

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29 Scheduling and Other Issues

30 Scheduling concerns and practical issues related to the venue were discussed.
The hearing will be conducted beginning at 9:00 a.m. each day. The ALJ indicated that,

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1 **tentatively**, from 9:00 a.m. to 5:00 p.m. the parties will present their witnesses; the
2 hearing will reconvene at 6:00 p.m. to take the testimony of Interested Persons.

3 The Office of Administrative Hearings (“OAH”) is working with personnel at
4 Beaver Dam High School to coordinate a system whereby the exhibits filed will be
5 accessible by computer to be projected on a screen. But to help ensure that this
6 procedure does not delay the proceedings, it will be necessary for the electronically filed
7 exhibits to be formatted in a searchable manner. A separate order will be issued
8 addressing this issue more fully.

9 **IT IS ORDERED** that Interested Persons will be allowed to submit exhibits with
10 their written or oral testimony, provided these exhibits (and associated testimony) meet
11 the basic foundational requirements; and

12 **IT IS FURTHER ORDERED** that the parties will be provided time to present
13 evidence in rebuttal to the Interested Persons’ testimony.

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16 Done this day: February 7, 2007.

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18
19 /s/ Thomas Shedden
20 Thomas Shedden
21 Administrative Law Judge

22
23 Copy posted to <http://www.azoah.com/Water.htm>
24 this 7th day of February 2007,

25 By CJV
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