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14 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

15 IN THE MATTER OF THE APPLICATION
16 TO TRANSPORT WATER OUT OF
STATE

17 Application No. 33-96790
18 Applicant: Wind River Resources, LLC

19 Interested Person: Brigham Young
20 University

: Docket No. 07A-TR001-DWR

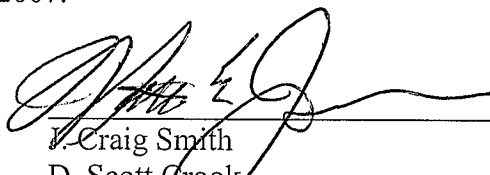
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: BRIGHAM YOUNG
: UNIVERSITY'S MOTION
: FOR ALJ TO VIEW THE
: LYTLE PRESERVE

:
: ALJ: Hon. Thomas Shedden
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:
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23 Brigham Young University hereby moves to have the Administrative Law Judge in this
24 matter conduct a site visit to the Lytle Preserve. As discussed in Brigham Young University's
25 Pre-hearing Brief and Position Statement, the Lytle Preserve is located in the source area of the
26 applicant's proposed well site. The evidence at the hearing will show that the Wind River

1 application to pump 14,000 acre-feet of water each year from the Muddy Creek formation
2 beneath the Beaver Dam Wash presents a danger or unjustifiable risk of danger to Beaver Dam
3 Wash and the Preserve. This agency would have a greater ability to assess the hydrology of the
4 Beaver Dam Wash and the application by visiting the area affected. While pictures, video, or
5 other media may be able to give some indication of the environment in the Beaver Dam Wash,
6 it is impossible to fully appreciate it without seeing the area in person. Accordingly, Brigham
7 Young University requests that as a part of the hearing in this matter, the Administrative Law
8 Judge visit the Lytle Preserve to view and assess its importance to Arizona and Beaver Dam
9 Wash residents.¹

11 Dated this 15th day of February, 2007.

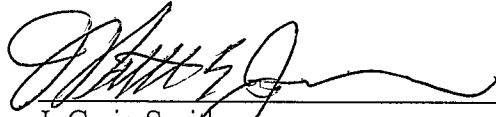
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26 ¹ Brigham Young University would be willing to accommodate a party in viewing the Preserve
at any time (not necessarily during the scheduled hearing dates), but requests that the visit occur
before final decision in this matter.

1 CERTIFICATE OF SERVICE

2 In accordance with Case Management Order No. 2, I certify that I electronically filed a
3 copy of the foregoing MOTION FOR ALJ TO VIEW THE LYTLE PRESERVE this 15th day
4 of February, 2007 at:

5 TR001@azoah.com

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