

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR	)	
PERMIT NO. 61-12316 IN THE NAME OF	)	REMAND FOR INFORMAL PROCEEDINGS
PEARSON FARMS & RANCHES LLC	)	
APPLICATION FOR TRANSFER NO. 81459	)	
& APPLICATION FOR EXCHANGE NO.	)	
81775 IN THE NAME OF TRAIL FAMILY	)	
FARMS LLLP	)	

BACKGROUND

On March 13, 2017, Pearson Farms and Ranches LLC (Pearson), filed Application for Water Right Permit No. 61-12316 (“Application”) with the Idaho Department of Water Resources (“Department”). Trail Family Farms LLLP (“Trail”) protested the Application.

On February 15, 2017, Trail filed Application for Transfer No. 81459 (“Transfer”) with the Department. Pearson protested the Transfer.

On June 29, 2017, Trail filed Application for Exchange No. 81459 (“Exchange”) with the Department. Pearson and Ark Properties protested the Exchange.

On June 30, 2022, the Department’s Hearing Officer held a prehearing conference regarding the Application, Transfer, and Exchange (the “contested cases”). Trail and Pearson appeared at that conference through their attorneys. Ark Properties failed to appear at the conference.

On August 23, 2022, the Department’s Hearing Officer held a status conference regarding the contested cases. Trail and Pearson appeared at that conference through their attorneys. Ark Properties again failed to appear at the conference. At the conference Trail and Pearson indicated that they had resolved the contested cases in principle, and would be preparing and submitting a stipulation to the Department. The Department could informally process the stipulation and address any issues arising from it with the parties.

Formal proceedings are no longer necessary.

AUTHORITIES

Rule 100.01 of the Department’s Rules of Procedure (IDAPA 37.01.01.100.01) defines informal proceedings as, “wholly administrative evaluations and processes, without a presiding officer and hearing record to be preserved for later agency or judicial review, and with representation according to Rule 201.01.”

Rule 100.03 of the Department's Rules of Procedure (IDAPA 37.01.01.100.03) states in part, "If, after the agency has commenced a formal proceeding, the parties to a contested case settle or resolve the issues of the case, the case may return to an informal proceeding."

CONCLUSIONS OF LAW

Informal proceedings should result in resolution of the contested cases. The Hearing Officer should remand the contested cases to the Department for informal proceedings.

ORDER

IT IS HEREBY ORDERED that the contested cases are remanded for informal proceedings pursuant to Rule 100.02 of the Department's Rules of Procedure (IDAPA 37.01.01.100.03).

Dated this 24th day of August, 2022.

A handwritten signature in blue ink, appearing to read "Peter R. Anderson".

Peter Anderson
Hearing Officer

CERTIFICATE OF SERVICE

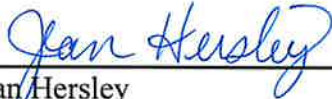
I HEREBY CERTIFY that on this 24th day August, 2022, true and correct copies of the document described below were served either by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following addresses, or by email service at the designated email address:

Documents Served: Remand for Informal Proceedings

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