

**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	)	NOTICE OF INFORMAL
PEARSON FARMS & RANCHES LLC	)	PROCEEDINGS AND NOTICE
APPLICATION FOR TRANSFER NO. 81459	)	OF STATUS CONFERENCE
& 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. At the conference Trail and Pearson requested approximately 45 days to meet and determine whether a settlement of the contested cases would be possible. A status conference would be held following those meetings to determine the status of the contested cases. The availability of Department staff to informally assist with such settlement discussion was agreed upon by Trail and Pearson.

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, “The agency may also utilize informal proceedings, such as settlement conferences, any time after commencement of a formal proceeding.”

Rule 101.03 of the Department’s Rules of Procedure (IDAPA 37.01.01.101.03) states:

During informal proceedings the agency may stay the contested case at the

agency determines that such delay will assist the agency in resolving or deciding the contested case, or when an agency moratorium prevents consideration of the application or petition.

CONCLUSIONS OF LAW

Informal proceedings may assist in resolving this contested case. The Hearing Officer should stay the formal proceeding and authorize Department staff to engage in informal discussions in this matter.

ORDER

IT IS HEREBY ORDERED that discussions to resolve the Application, Transfer, and Exchange shall proceed informally until August 23, 2022.

IT IS FURTHER HEREBY ORDERED that the Department shall conduct a status conference on August 23, 2022, to determine if informal proceedings are likely to resolve these contested cases, or whether formal proceedings are needed.

IT IS FURTHER HEREBY ORDERED that the formal proceedings in this matter are stayed until August 23, 2022.

IT IS FURTHER HEREBY ORDERED that email service is authorized in the contested cases.

NOTICE OF STATUS CONFERENCE

The Department has scheduled a Status Conference on **Tuesday, August 23, 2022, beginning at 1:00 p.m.** by telephone conference. All parties must attend.

To participate in the Status Conference, please call:

Telephone: 1-877-820-7831
Participation Code: 153229

Agenda items for the status conference will include:

- Status of settlement
- Consolidation for hearing
- Scheduling of:
 - Discovery,
 - Pre-hearing motions,
 - Exchange of expert reports,
 - Exchange of exhibits and witness lists,
 - Follow-up status conferences, and
 - Tentative hearing date and location

If you require special accommodations to participate in, or understand the conference, please notify the Department at least (10) days prior to the conference. Inquiries about scheduling, hearing facilities, etc., should be directed to Jean Hersley, (208) 287-4942.

Dated this 5th day of July, 2022.

A handwritten signature in blue ink, appearing to read "Peter R. Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Peter Anderson
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day July, 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: Notice of Informal Proceedings and Notice of Status Conference

Dylan Lawrence
Varin Wardwell
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Candice M. McHugh
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Jean Hersley
Technical Records Specialist II