

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

**IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 85632 IN THE)
NAME OF JOHN LEZAMIZ FAMILY)
LTD PARTNERSHIP)**

**NOTICE OF PREHEARING
CONFERENCE**

On December 17, 2021, John Lezamiz Family Ltd. Partnership (“Lezamiz”) filed Application for Transfer 85632 (“Application 85632”) with the Idaho Department of Water Resources (“Department”). Application 85632 proposed to change the point of diversion and place of use for water right no. 34-633 and was not protested.

On March 23, 2022, the Department approved Application 85632. On April 6, 2022, Lezamiz filed a *Petition for Reconsideration*, rejecting one of the conditions in the transfer approval. The Department granted Lezamiz’s *Petition for Reconsideration* and withdrew the order approving Application 85632. On April 15, 2022, the Department issued a *Preliminary Order Denying Transfer* (“Preliminary Order”).

On April 29, 2022, Lezamiz filed its *Petition Contesting Preliminary Order and Request for Hearing* (“Petition”). In its Petition, Lezamiz asked the Department to conduct a hearing on Application 85632 pursuant to Idaho Code § 42-1701A, asserting numerous factual and legal errors in the Preliminary Order. *Petition* at 2 – 5.

Simultaneously, on April 29, 2022, Lezamiz filed its *Exceptions to Preliminary Order* (“Exceptions”). In its Exceptions, Lezamiz asserted the same factual and legal errors in the Preliminary Order as it did in the Petition. *Compare Exceptions* at 1 – 5 and *Petition* at 2 – 5. The Exceptions reiterated the request for hearing. *Exceptions* at 5.

On May 9, 2022, the Department issued an *Order Granting Request for Hearing*.

The Department has scheduled this matter for prehearing conference on **Wednesday, June 1, 2022, beginning at 10:30 a.m.** at the **Idaho Department of Water Resources Southern Regional Office, located at 650 Addison Ave W Ste 500, Twin Falls, ID.**

The presiding officer will be Peter Anderson.

Agenda items for the prehearing conference will include:

1. Identify legal and factual issues for hearing,
2. Potential witnesses for Lezamiz,
3. Briefs or memoranda to be filed by Lezamiz,

4. Official notice of facts or evidence by the Department,
5. Testimony or reports by Department staff,
6. Discovery needs,
7. Date for conducting the administrative hearing, and
8. Address other matters that may expedite orderly conduct and disposition of the proceeding.

Email service is authorized in this proceeding.

The prehearing conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the prehearing conference, please notify the Department at least ten (10) days prior to the hearing. Inquiries about scheduling, hearing facilities, etc., should be directed to Peter Anderson at 208-287-4873.

Dated this 13th day of May, 2022.

A handwritten signature in blue ink, appearing to read "Peter R. Anderson", is written over a horizontal line.

Peter Anderson
Hearing Officer

CERTIFICATE OF SERVICE

I certify that on the 13th day of May 2022, I served or caused to be served the Notice of Prehearing Conference to the party by the following method(s):

FRITZ X HAEMMERLE
HAEMMERLE LAW PLLC
PO BOX 1800
HAILEY, ID 83333
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- ☐ U.S. Mail, Certified, postage prepaid
- ☐ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☒ Email



Christina Henman
Administrative Assistant