

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

IN THE MATTER OF TRANSFER	)	
NO. 85491 IN THE NAME	)	NOTICE OF
CITY OF HAGERMAN	)	PRE-HEARING CONFERENCE
	)	

On July 31, 2019, the CITY OF HAGERMAN ("City"), filed an Application for Transfer No. 85491 ("Application") with the Idaho Department of Water Resources ("Department"). On February 1, 2022, the Department issued a preliminary order approving Transfer No. 85491 ("Order") with conditions.

On February 15, 2022, the Department received the City's letter "contesting the preliminary order" and requesting a hearing pursuant to Idaho Code §42-1701A(3) to review the Order ("Hearing Request"). The Hearing Request was filed timely.

The department has scheduled the matter for pre-hearing conference on **Wed., April 6, 2022, beginning at 10:00 AM**, at IDAHO DEPT OF WATER RESOURCES, Southern Region Conference Room, 650 ADDISON AVE W STE 500, TWIN FALLS, ID, 83301-5858.

The presiding officer at the pre-hearing conference and the hearing will be Shelley Keen, whose mailing address is 322 E Front St, PO Box 83720, Boise, ID, 83720-0098 and whose email address is shelley.keen@idwr.idaho.gov.

Agenda items for the pre-hearing conference will include:

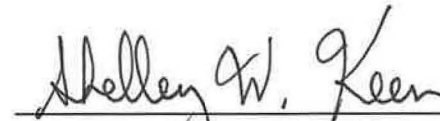
1. Review of the application and the Order
2. Identify issues of protest or reasons for the Hearing Request
3. Discuss whether resolution is possible without a hearing
4. Set a date for the administrative hearing if resolution is not possible during this conference.
5. Establish a schedule for discovery and expert reports in preparation for the hearing.

The pre-hearing conference is an informal opportunity to discuss issues and possibly resolve the matter prior to a formal hearing. If a formal hearing is needed, the pre-hearing conference serves as an opportunity to formulate or simplify the issues, obtain concessions of fact or identification of documents to avoid unnecessary proof, schedule discovery (when discovery is allowed), arrange for the exchange of proposed exhibits or prepared testimony, limit witnesses, schedule hearings, establish procedure at hearings, and address other matters that may expedite orderly conduct and disposition of the proceeding.

It is important for all participants to give considerable thought to each of these matters before appearing at the pre-hearing conference and to make the most of the opportunity to resolve the dispute informally.

The pre-hearing 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 pre-hearing conference, please notify the department at least (10) days prior to the hearing. Inquiries about scheduling, hearing facilities, etc., should be directed to Denise Maline, (208)736-3033.

Dated this 21st day of March, 2022.

A handwritten signature in cursive script, reading "Shelley W. Keen", written over a horizontal line.

Shelley W. Keen
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of March, 2022, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Document Served: Notice of Pre-Hearing Conference
Hearing Procedure for Application for Transfer

JUB ENGINEERS INC
C/O GARY HADERLIE
2114 VILLAGE PARK AVE STE 100
TWIN FALLS ID 83301-4172
ghaderlie@jub.com

TRAVIS THOMPSON
SARAH HIGER
BARKER ROSHOLT & SIMPSON
PO BOX 63
TWIN FALLS ID 83303
tlt@idahowaters.com
swl@idahowaters.com

IDAHO DEPT PARKS & RECREATION
ERIK BUSH
PO BOX 83720
BOISE ID 83720-0065
erik.bush@idpr.idaho.gov



Jean Hersley
Technical Records Specialist II

**PRE-HEARING CONFERENCE AND/OR HEARING PROCEDURE
APPLICATION FOR TRANSFER**

ISSUES

Applications for transfer are filed for the purpose of changing a point of diversion, purpose of use, period of use or nature of use of all or part of a licensed, decreed or statutory water right. Section 42-222, Idaho Code, identifies the following potential issues that the department must consider in connection with an application for transfer:

1. Will the proposed transfer reduce the quantity of water under existing Water Rights?
2. Will the proposed transfer constitute an enlargement in use of the original right?
3. Will the proposed transfer be contrary to the conservation of water resources within the State of Idaho?
4. Will the proposed transfer conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use and its potential effects on the public water source?
5. Will the proposed transfer adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?
6. If the proposed transfer is for a municipal use, is it necessary to provide reasonably anticipated future needs for a municipal service area and is the planning horizon consistent with Sections 42-222 and 42-202B, Idaho Code?
7. Will the proposed transfer change the nature of use from an agricultural use, and would such a change significantly affect the agricultural base of the local area?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 5, 6, 7, 8, and 9 above and must provide evidence for the department to evaluate these criteria. The initial burden of proof on issues 4, if applicable, lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for these issues.