



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

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Governor Brad Little

Director Gary Spackman

January 7, 2022

ECCLES FLYING HAT RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110-3028

Re: Withdrawal of Application for Transfer and Order Vacating Hearing for Transfer No. 83485,
Water Right No(s). 37-577BP

Dear Applicant(s):

The Department acknowledges receipt of your recent withdrawal of the above referenced application. This withdrawal was filed by Brockway Engineering PLLC on your behalf. The protests that were previously filed against this application are no longer applicable, and the matter is now closed.

Per the attached Order, the Hearing scheduled for February 22 through February 23, 2022 has been VACATED.

Please feel free to contact Hearing Officer Angie Hansen at (208) 287-4800, or this office at (208) 736-3033 if you have any additional questions in this matter.

Sincerely,

Denise Maline for:

Corey Skinner
Southern Regional Manager

c: Brockway Engineering PLLC
Evan Robertson, attorney
Hiawatha Canal Water Users' Assn, protestant, c/o attorney Fritz Haemmerle

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

**IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 83485 IN THE)
NAME OF ECCLES FLYING HAT)
RANCH LLC)**

ORDER VACATING HEARING

BACKGROUND

On July 3, 2019, Eccles Flying Hat Ranch, LLC ("Eccles") filed Application for Transfer No. 83485 ("Application") with the Idaho Department of Water Resources ("Department"). On August 7 and 14, 2019, the Idaho Mountain Express published notice of the Application. The Hiawatha Canal Water Users' Association of Lateral or Laterals ("Hiawatha Canal Water Users") and the Idaho Water Resource Board ("Board") filed protests. On July 19, 2021, the Board withdrew its protest.

On July 21, 2021, the Department held a prehearing conference in the above referenced matter. On November 16, 2021, the Department held a prehearing status conference to discuss prehearing motions and other scheduling matters.

On December 6, 2021, Hiawatha Canal Water Users' filed a *Motion in Limine* ("Motion") along with the *Brief in Support of Motion in Limine* ("Brief") and the *Declaration of Fritz X. Haemmerle*. Pursuant to IDAPA 37.01.01.565, Eccles had until December 20, 2021 to respond to the Motion. Eccles did not file a response to the Motion.

On January 4, 2022, the Department issued the *Revised Scheduling Order and Notice of Hearing* in this matter. Also on January 4, 2022, the Department is issued the *Order Denying Motion in Limine* in this matter.

On January 6, 2022, the Department received the *Withdrawal of Application for Transfer No. 83485* from Charles E. Brockway of Brockway Engineering P.L.L.C. on behalf of Eccles.

ORDER

Application for Transfer No. 83485 having been withdrawn, the evidentiary hearing scheduled for February 22 through February 23, 2022 is **VACATED**.

Dated this 7th day of January, 2022.


Angela M. Hansen
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of January, 2022, true and correct copies of the documents described below were served *via electronic mail and by placing a copy of the same with the United States Postal Service*, postage prepaid and properly addressed to the following:

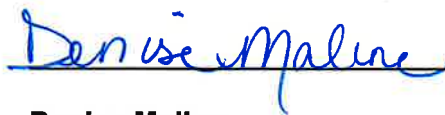
Document Served: Order Vacating Hearing, Application for Transfer No. 83485

ECCLES FLYING HAT RANCH LLC
PO BOX 3028
SALT LAKE CITY, UT 84110-3028

BROCKWAY ENGINEERING PLLC
ERICK POWELL
2016 N WASHINGTON ST STE 4
TWIN FALLS, ID 83301-3082

EVAN ROBERTSON
ROBERTSON & SLETTE
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HIAWATHA CANAL WATER USERS' ASSOCIATION OF LATERAL OR LATERALS
C/O FRITZ HAEMMERLE
HAEMMERLE LAW PLLC
PO BOX 1800
HAILEY, ID 83333-1800



Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Friday, January 7, 2022 2:44 PM
To: Evan Robertson; Fritz Haemmerle (fxh@haemlaw.com); Erick Powell
Cc: Hansen, Angela; Anderson, Peter
Subject: Order Vacating Hearing for Application for Transfer No. 83485 - Eccles
Attachments: Order Vacating Hearing for Eccles Transfer No. 83485.pdf

Good afternoon,

Attached please find an *Order Vacating Hearing* related to the above referenced matter. Please feel free to contact me or Hearing Officer Angie Hansen if you have any questions.

Thank you,

Denise Maline, IDWR Twin Falls

Denise Maline, Administrative Assistant
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