

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

IN THE MATTER OF APPLICATION FOR)	
PERMIT NOS. 74-16224, 74-16225, AND)	NOTICE OF HEARING AND
16227 IN THE NAME OF STATE OF IDAHO,)	SCHEDULING ORDER
<u>IDAHO FISH AND GAME COMMISSION</u>)	

NOTICE OF HEARING

On December 20, 2019, State of Idaho, Idaho Fish and Game Commission filed Applications for Permit 74-16224, 74-16225 and 74-16227 with the Idaho Department of Water Resources (department). James Whittaker filed a separate protest against each application.

The department conducted a pre-hearing conference on July 21, 2020, and a status conference on December 21, 2021. The parties requested that an administrative hearing be held to decide the contested cases.

Pursuant to Rule 556 of the department's Rules of Procedure, a presiding officer may consolidate two or more proceedings for hearing. Applications 74-16224, 74-16225 and 74-16227 present related issues and have identical parties. Therefore, the applications are consolidated for hearing.

The department has scheduled these consolidated cases for hearing on **March 14, 2022, beginning at 9:00 am, at Idaho Department of Fish and Game; 99 Hwy 93 North, Salmon, ID.**

The presiding officer at the hearing will be James Cefalo, whose mailing address is 900 N Skyline Dr. Suite A, Idaho Falls, ID 83402.

The hearing will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the department's Rules of Procedure (IDAPA 37.01.01), and the department's Water Appropriation Rules (IDAPA 37.03.08). A copy of the code and rules may be obtained from the department's website, www.idwr.idaho.gov, or upon request.

All parties appearing in the matter will have the opportunity to present information, examine witnesses, and provide argument on issues related to the contested application.

The hearing 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 conference, please notify the department at least (10) days prior to the hearing. Inquiries about scheduling or hearing facilities should be directed to Christina Henman at (208) 525-7161.

SCHEDULING ORDER

1. Discovery may begin immediately. Discovery responses must be served on the requesting party within 30 days of the discovery request. Discovery requests must be filed on or before January 28, 2022.
2. Dispositive motions must be filed on or before January 28, 2022.
3. On or before February 28, 2022, each party must disclose to all other parties and the hearing officer, in writing, the identity of all witnesses that may testify for the party at the hearing.
4. On or before February 28, 2022, each party seeking to offer exhibits at the hearing shall serve on all parties and the hearing officer copies of all exhibits which may be offered at the hearing. Service of the proposed exhibits will be the method of providing copies to the parties as required by Rule 606 of the department's Rules of Procedure (IDAPA 37.01.01).
5. To avoid duplication of exhibit numbers, the parties should use the following numbers for their proposed exhibits:

Applicant Fish & Game Commission:	Exhibits 1 – 100
Protestant James Whittaker:	Exhibits 101 – 200

Dated this 23rd day of December, 2021.



James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of December, 2021, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, certified mail with return receipt requested, postage prepaid and properly addressed to the following:

Document Served: Notice of Hearing and Scheduling Order

ANN VONDE
DEPUTY ATTORNEY GENERAL
PO BOX 83720
BOISE ID 83720-0010

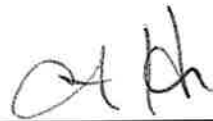
JAMES A WHITTAKER
PO BOX 240
LEADORE, ID 83464

Courtesy copy sent via regular mail to:

MIKE DEMICK, JEFF RICHARDS OR TOM BASSISTA
IDAHO DEPARTMENT OF FISH & GAME
97 HWY 93 N
SALMON ID 83467

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025

IDWR NORTHERN REGION
C/O ADAM FREDERICK
7600 N MINERAL DR., STE 100
COUR D'ALENE, ID 83815



Christina Henman
Administrative Assistant