

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

IN THE MATTER OF APPLICATION)	
FOR TRANSFER NOS. 84488 AND)	
84490 IN THE NAME OF)	REQUEST FOR BRIEFS
<u>LCSC ENTERPRISES LLC</u>)	

On October 13, 2020, LCSC Enterprises LLC ("LCSC") filed Applications for Transfer 84488 and 84490 with the Idaho Department of Water Resources ("Department"). A protest against each application was filed by Idaho Power Company and a joint protest against each application was filed by A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, Twin Falls Canal Company, American Falls Reservoir District #2 and Minidoka Irrigation District.

The Department conducted a pre-hearing conference on February 16, 2021, and status conferences on April 20, July 22, September 15 and October 6, 2021. During the conferences, the parties identified legal issues that might be addressed through briefing prior to conducting an administrative hearing.

Pursuant to Rule 564 of the Department's Rules of Procedure (IDAPA 37.01.01), a presiding officer may request briefs from the parties setting forth arguments and positions on any questions of law in a contested case. Prior to conducting an administrative hearing for these consolidated contested cases, the hearing officer requests briefs addressing the following question of law:

If a transfer of water rights filed pursuant to Idaho Code § 42-222 results in a reduction in the amount of water held in trust by the state of Idaho, as defined in Idaho Code § 42-203B, does that reduction constitute an appropriation of trust water and require a review of the transfer application under the criteria set forth in Idaho Code § 42-203C?

Initial briefs shall be filed simultaneously on or before November 5, 2021. Response briefs, if any are prepared, shall be filed on or before November 19, 2021.

Dated this 12th day of October, 2021.



James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of October 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, postage prepaid and properly addressed to the following:

Documents Served: Request for Briefs

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