

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

IN THE MATTER OF TRANSFER NO.)

82818

) **NOTICE OF STATUS CONFERENCE**

IN THE NAME OF:)

**JAMES L ECKHARDT, & NELLIE
ECKHARDT**

On 10/15/2018, JAMES L ECKHARDT, & NELLIE ECKHARDT, filed an Application for Transfer No. 82818 with the Idaho Department of Water Resources (department). Protest(s) were filed by **USDI BLM IDAHO STATE OFFICE, represented by FREDRIC W PRICE**

During the prehearing conference on 04/26/2021, the parties agreed to hold a status conference to further settle disputes

**The department has scheduled the matter for status conference on
Wednesday, October 20, 2021, beginning at 10:00 AM, via phone conference.**

For parties participating via telephone:

1. Dial **1-720-279-0026** at the appropriate time as listed above.
2. When prompted, enter guest code: **126664#** (Please note you must press “#” after entering the code, or you will not be properly connected with the conference.)

The 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 Lauerma, (208) 334-2190.

Dated this 1st day of September, 2021.


for Nick Miller
Regional Manager

CERTIFICATE OF SERVICE

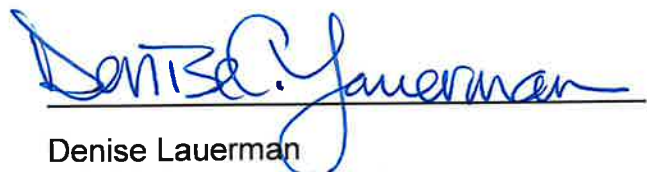
I HEREBY CERTIFY that on this 1st day of September, 2021, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Document Served: Notice Of Status Conference

JAMES L ECKHARDT
NELLIE ECKHARDT
1275 JENKINS CREEK RD
WEISER, ID 83672-5158

NORMAN M SEMANKO
PARSONS BEHLE & LATIMER PLC
800 W MAIN ST STE 1300
BOISE, ID 83702

USDI BLM IDAHO STATE OFFICE
C/O FREDRIC W PRICE
1387 S VINNELL WAY
BOISE, ID 83709-1657



Denise Lauerman
Administrative Assistant

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 can 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 issue 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.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues to avoid unnecessary proof, identify documents, schedule discovery, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing, and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the prehearing conference for the purpose of scheduling a hearing. Parties will be expected to discuss their availability at the prehearing conference for the purpose of scheduling the hearing.

HEARING

A hearing may be conducted according to Sections 42-1701A(1) and (2), Idaho Code and the department's Rules of Procedure. Copies of Idaho Code and the department's rules are available upon request or by accessing the department's website at: www.idwr.idaho.gov. The department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

The hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended or preliminary order. Parties can petition for reconsideration of a decision or file exceptions. A brief to support exceptions may request oral argument. Parties may seek judicial review of any final order issued by the Director.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the department no later than ten (10) days prior to the hearing.



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 1, 2021

JAMES L ECKHARDT
NELLIE ECKHARDT
1275 JENKINS CREEK RD
WEISER, ID 83672-5158

RE: Status Conference for Application for Transfer No. 82818

Dear Applicant, Protestants, and Interested Parties:

Enclosed is a Notice of Status Conference for Application for Transfer No. 82818 in the name of James L Eckhardt and Nellie Eckhardt.

The conference is scheduled for **October 20, 2021 at 10:00 am** by telephone conference.

If you have questions regarding the enclosed documents, would like additional information, or need to further discuss the process, please feel free to contact the Western Regional Office at 208-334-2190.

Sincerely,

Denise Lauerman
Administrative Assistant
Western Regional Office

Enclosures

CC:

NORMAN M SEMANKO
PARSONS BEHLE & LATIMER PLC
800 W MAIN ST STE 1300
BOISE, ID 83702

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