

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)
_____)

PREHEARING ORDER;
NOTICE OF STATUS
CONFERENCE

BACKGROUND

On July 3, 2019, Eccles Flying Hat Ranch, LLC (“Eccles”) filed Application for Transfer No. 83485 with the Idaho Department of Water Resources (“Department”). On August 7 and 14, 2019, the Idaho Mountain Express published notice of Transfer No. 83485. The Hiawatha Canal Water Users’ Association of Lateral or Laterals (“Hiawatha Canal”) 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 pre-hearing conference in the above referenced matter. Attorneys for Eccles and Hiawatha Canal were present. Based upon the discussions at that pre-hearing conference and for good cause, the Department issues this *Prehearing Order; Notice of Status Conference*.

ORDER AUTHORIZING DISCOVERY

IT IS ORDERED that the parties are authorized to immediately conduct and engage in discovery pursuant to IDAPA 37.01.01.520 - 526. Discovery shall proceed and be completed in compliance with the schedule established below. Parties shall only file notice of the service of discovery requests and responses with the Department. Discovery requests and responses shall **not** be filed with the Department.

SERVICE AND FILING OF DOCUMENTS

Parties may serve all documents upon each other by email at the email addresses shown on the attached certificate of service. Parties shall promptly inform the Department and other parties in writing of any change in such email address. The original of all documents filed with the Department shall be sent to 650 Addison Ave W Ste 500 Twin Falls, ID 83301-5858. Parties should also send filed documents via email to the Department at the following addresses: Angela.Hansen@idwr.idaho.gov and Denise.Maline@idwr.idaho.gov.

EXHIBIT NUMBERS

Parties are assigned exhibit numbers for their use as follows:

Exhibits 1-99	Applicant (Eccles)
Exhibits 100-199	Protestant (Hiawatha Canal)
Exhibits 200-300	Department (if Department takes notice)

SCHEDULING ORDER

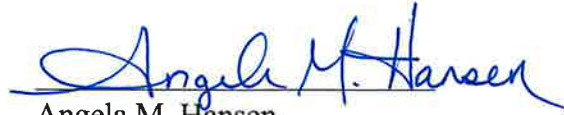
1. **Expert Witness Disclosure.** On or before **September 10, 2021**, each party shall serve upon the other party the names of the experts the party may call to testify at the evidentiary hearing, with a brief summary of the topics each expert may testify about.
2. **Expert Report(s).** On or before **October 1, 2021**, each party shall service upon the other party expert report(s) that may be offered at hearing.
3. **Rebuttal to Expert Report(s).** On or before **October 15, 2021**, each party shall serve upon the other party rebuttal(s) to expert report(s) that may be offered at hearing.
4. **Completion of Discovery.** Parties shall complete discovery by **November 5, 2021**. Requests for discovery shall be served sufficiently before the discovery deadline to give the responding party adequate time to respond before the deadline.
5. **Status Conference.** A telephonic status conference will be held on **November 16, 2021** per the Notice of Status Conference below.
6. **Witness List Exchange.** On or before **December 10, 2021**, each party must disclose to the other party and the Department, in writing, the identity of all witnesses that will or may testify for the party at hearing.
7. **Exhibit Exchange.** On or before **December 10, 2021**, each party seeking to offer exhibits at the hearing shall serve the pre-numbered exhibits upon the other party and file two physical copies of the exhibits with the Department. Service of the proposed exhibits will satisfy IDAPA 37.01.01.606.
8. **Hearing.** The evidentiary hearing in this matter is tentatively set for **January 12 - 13, 2022**, in Twin Falls, Idaho. A separate notice of hearing shall be served on the parties following the November status conference.

NOTICE OF STATUS CONFERENCE

PLEASE TAKE NOTICE that the Department has scheduled a status conference on Tuesday, **November 16, 2021, beginning at 9:00 a.m. (MST)** to be held via telephone. The

purpose of the status conference will be to discuss whether a settlement has been reached, hearing procedures, and any other matters related to the pending hearing. All parties to the matter must be represented at the status conference. Parties may participate by calling the conference phone number **1-877-820-7831** and entering the participant code **153229**.

Dated this 31st day of August, 2021.



Angela M. Hansen

Water Rights Section Manager

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of September, 2021, I served a true and correct copy of the foregoing PREHEARING ORDER and NOTICE OF STATUS CONFERENCE, via United States Postal Service, to the person(s) listed below:

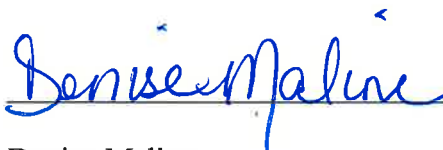
Document Served: PreHearing Order and Notice of Status Conference

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