

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION) FOR PERMIT NO. 47-17664 IN THE) NAME OF ROBERT K AND JANA L) <u>LINDERMAN</u>)	ORDER RE-OPENING THE RECORD AND NOTICE OF CONTINUANCE OF PROCEEDING
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On December 9, 2020, the Idaho Department of Water Resources (Department) issued an *Amended Notice of Hearing and Amended Scheduling Order* (Notice) in the matter of Application for Permit no. 47-17664 (Application). The Notice established a hearing date of March 10, 2021 and a corresponding schedule to complete discovery and pre-hearing disclosure.

Applicants Robert and Jana Linderman (Applicants) are represented in this matter by attorney Nathan Fowler; protestants James Michael and Sally Hamilton (Protestants) are represented by attorney Patrick Brown.

On March 10, 2021, a hearing was held in this matter in Twin Falls, Idaho. Applicants called Robert Linderman (Linderman) to testify. Applicants offered no Exhibits. Protestants called Tanner Butler (Butler), James Michael Hamilton and Sally Hamilton (Hamiltons) to testify. Protestant Exhibits A through H and Exhibit J were introduced and admitted to the record. Exhibits C and J were modified during the hearing and the modifications made part of the record. Department Exhibit 200 was admitted to the record. The Hearing officer took official notice of the Application file. At the conclusion of the hearing the record in this proceeding was closed.

Applicant's witness Linderman and Protestant's witness Butler testified during the morning session of the hearing. The Hamiltons testified during the afternoon session. As required by Rule 651 of the Department's Rules of Procedure, the hearing was recorded using a digital media recorder. After the hearing, the Department discovered that the media disk from the morning session of the hearing was corrupted, and that opening remarks, stipulations to admission of exhibits, and the Linderman and Butler testimonies were not recorded. Testimony given by the Hamiltons during the afternoon session was captured on a different disk and has been preserved.

In order to fully record this matter, the record must be re-opened, recorded stipulations restated, and the Linderman and Butler testimonies repeated and recorded.

ORDER RE-OPENING THE RECORD

The hearing record in this matter is re-opened specifically to document and record opening remarks, stipulations, and testimony of Linderman and Butler.

During the re-opened hearing, no additional exhibits shall be introduced, and no witnesses besides Linderman and Butler may be called to testify. Exhibits admitted to the record on March 10, 2021 will be available during testimony.

NOTICE OF HEARING

A continued hearing for this matter is scheduled to be held on **Thursday April 8, 2021, beginning at 9:00 AM, at the Department of Water Resources Southern Region Conference Room, 650 Addison Ave West, Suite 500, Twin Falls, Idaho, 83301.**

The hearing officer at the hearing will be **Cindy Yenter**, whose mailing address is 650 Addison Avenue West, Suite 500, Twin Falls, ID 83301-5858. The hearing officer will participate in the hearing via Zoom. All other parties are expected to appear in person at the above location, unless arrangements are made with the Department at least ten (10) days prior to the hearing to participate via Zoom.

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 re-examine witnesses Linderman and Butler for the record, and to provide argument on issues related to that testimony and 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 hearing, please notify the Department at least (10) days prior to the hearing. Inquiries about scheduling or hearing facilities should be directed to Denise Maline at (208) 736-3033.

Dated this 19th day of March, 2021



Cindy Yenter
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of March, 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:

- Order Re-Opening the Record and Notice of Continuance of Proceeding

ROBERT K LINDERMAN
JANA L LINDERMAN
4377 N 1400 E
BUHL, ID 83316-5234

NATHAN FOWLER
ANGSTMAN JOHNSON
516 HANSEN ST E
TWIN FALLS ID 83301

JAMES MICHAEL HAMILTON
526 SAWTOOTH AVE
BUHL, ID 83316-5708

SALLY K HAMILTON
526 SAWTOOTH AVE
BUHL, ID 83316-5708

PATRICK D BROWN
PATRICK D BROWN, PC
PO BOX 125
TWIN FALLS ID 83303-0125



Denise Maline
Administrative Assistant