

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER 84441 IN THE NAME OF)
BRUCE AND GLENDA MCCONNELL)

NOTICE OF HEARING AND
SCHEDULING ORDER

NOTICE OF HEARING

On October 5, 2020, Bruce and Glenda McConnell filed Application for Transfer 84441 with the Idaho Department of Water Resources (department). Protests were filed by Rosalie Ericsson, James Whittaker, Steven Johnson, Smith 2P Ranch, David Tomchak, and Whittaker Two Dot Ranch.

On February 9, 2021, the department conducted a pre-hearing conference. The parties requested that an administrative hearing be held to decide this contested case. The department has scheduled this matter for hearing for **April 21 and 22, 2021 at 10:00 am at the Idaho Department of Fish and Game building, 99 Hwy 93 North, Salmon, Idaho.**

The presiding officer at the hearing will be James Cefalo, whose mailing address is 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718.

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 March 5, 2021.
2. Any party who intends to call an expert witness during the hearing must file an expert report. Expert reports must be served on the other parties and the hearing officer on or before March 26, 2021.
3. Dispositive motions must be filed on or before April 2, 2021.
4. On or before April 7, 2021, 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.
5. On or before April 7, 2021, 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).
6. To avoid duplication of exhibit numbers, the parties should use the following numbers for their proposed exhibits:

Applicant McConnell:	Exhibits 1 – 100
Protestant Ericsson :	Exhibits 101 – 150
Protestant Whittaker:	Exhibits 151 – 200
Protestant Johnson:	Exhibits 201 – 250
Protestant Smith 2P Ranch:	Exhibits 251 – 300
Protestant Tomchak:	Exhibits 301 – 350
Protestant Whittaker Two Dot Ranch:	Exhibits 351 – 400

Dated this 19th day of February, 2021.



James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of February, 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

CERTIFIED MAIL Application for Transfer No. 84441

BRUCE MC CONNELL
GLENDA MC CONNELL
100 COTTOM LN
LEADORE, ID 83464

ROSALIE ERICSSON
3738 E 38 N
RIGBY, ID 83442-5621

JAMES A WHITTAKER
PO BOX 240
LEADORE, ID 83464

STEVEN L JOHNSON
1019 LEE CREEK RD
LEADORE, ID 83464-5011

SMITH 2P RANCH
C/O SHANNA FOSTER
213 GRADY RD
LEADORE, ID 83464

DAVID R TOMCHAK
1476 LEE CREEK RD
LEADORE, ID 83464-5007

WHITTAKER TWO DOT RANCH LLC
PO BOX 177
LEADORE, ID 83464-0240

CHRIS M BROMLEY
MC HUGH BROMLEY PLLC
380 S 4TH ST STE 103
BOISE, ID 83702



Christina Henman
Administrative Assistant