

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

IN THE MATTER OF APPLICATION	)	NOTICE OF HEARING,
FOR PERMIT NO. 57-12015 IN THE	)	ORDER SCHEDULING DISCOVERY,
NAME OF JEFFERY & WALLENE	)	AND DISCLOSURE ORDER,
STODDARD	)	
_____	)	

**NOTICE OF HEARING**

On June 23, 2020, Jeffery and Wallene Stoddard filed Application for permit no. 57-12015 with the Idaho Department of Water Resources ("Department"). On July 16, 2020, Steve Coiteux submitted protest of Stoddard's application. The parties have requested a formal hearing to resolve the protested matter.

**The Department has scheduled the matter for a hearing beginning at 9:00 a.m. on Friday, January 29<sup>th</sup> 2021, at IDAHO DEPARTMENT OF WATER RESOURCES, STATE OFFICE, 322 E FRONT ST, STE 648, BOISE, ID 83702.**

If you plan to offer exhibits for the record at the hearing, note that Rule 606 of the Department's Rules of Procedure requires that a copy be provided to the presiding officer.

The presiding officer at the hearing will be Cynthia Bridge Clark, whose mailing address is 322 E Front St., Ste. 648, Airport Way, Boise, ID 83705-5082.

The hearing will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the Department, IDAPA 37.01.01. Copies of the code/rules are obtained from the department's website, [www.idwr.idaho.gov](http://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, hearing facilities etc., should be directed to Anna Kaiser, at (208)-334-2190.

## ORDER SCHEDULING DISCOVERY

IT IS HEREBY ORDERED that all parties may engage in discovery as follows:

1. General discovery can begin immediately and shall end on December 18<sup>th</sup>, 2020.
2. Written requests for discovery shall be either interrogatories or requests for documents. Requests for admission are not allowed.
3. Answers to written discovery must be served on the requesting party within fourteen (14) days of service of the request.

## DISCLOSURE ORDER

1. On or before January 15<sup>th</sup>, 2021, each party must disclose to all other parties and the hearing officer, in writing, the identity of all witnesses that will or may testify for the party at the hearing.
2. On or before January 15<sup>th</sup>, 2021, each party seeking to offer exhibits at the hearing must physically serve on all other parties and the hearing officer copies of the exhibits. Service of the proposed exhibits will satisfy Rule 606 of the Rules of Procedure. Applicant's exhibits shall be numbered between 1 and 100. Protestant's exhibits shall be numbered between 101 and 200.

Dated this 4<sup>th</sup> day of November, 2020.

  
for Cynthia Bridge Clark  
Hearing Officer

## **PRE-HEARING CONFERENCE AND/OR HEARING PROCEDURE APPLICATION FOR PERMIT**

### **ISSUES**

Applications to appropriate the water of the state of Idaho are referred to as applications for permit, and are for the development of new water rights. Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit::

1. Will the proposed appropriation reduce the quantity of water under existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use 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 have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use 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?

### **BURDEN OF PROOF**

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6, and 7 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5, 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 pre-hearing 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](http://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.

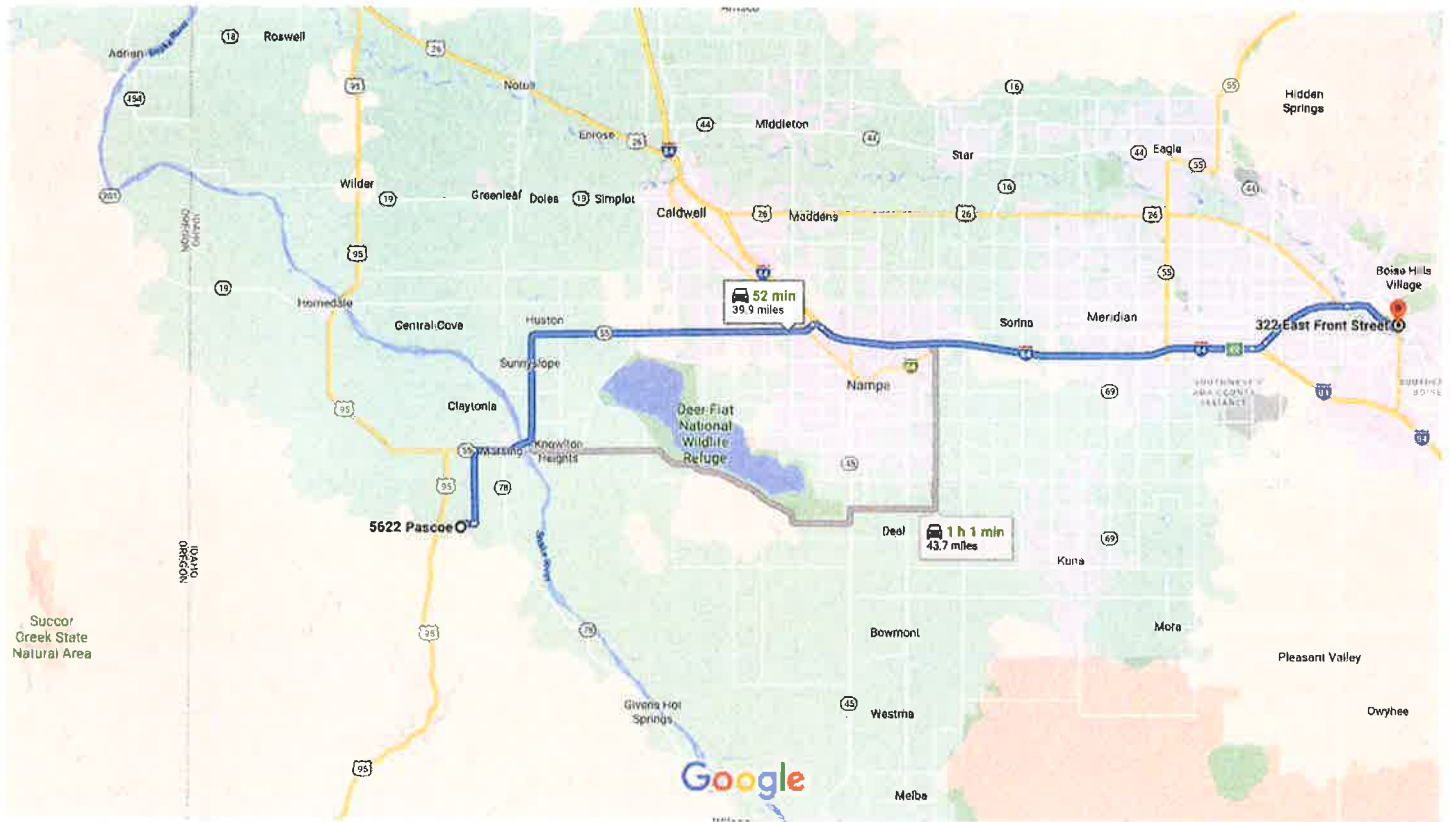
## **AMERICANS WITH DISABILITIES ACT**

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.



5622 Pascoe, Marsing, ID 83639 to 322 E Front St,  
Boise, ID 83702

Drive 39.9 miles, 52 min



Map data ©2020 2 mi

## 5622 Pascoe

Marsing, ID 83639

### Take S Edison Rd to ID-55 N

- ↑ 1. Head north toward Pascoe Ln  
5 min (3.1 mi)
- ➔ 2. Turn right onto Richardson Ln  
0.1 mi
- ↑ 3. Continue onto Pascoe Ln  
0.4 mi
- ➔ 4. Turn left onto S Edison Rd  
390 ft
- ➔ 5. Continue onto S Edison Rd  
2.5 mi

### Continue on ID-55 N. Take I-84 E to S Ave A in Boise

- ➔ 6. Turn right onto ID-55 N  
46 min (36.5 mi)
- ➔ 7. Turn right onto the I-84 E/ID-55 N ramp to Boise  
15.4 mi
- ➔ 8. Turn right onto S Ave A in Boise  
0.4 mi



7. Merge onto I-84 E/ID-55 E



Continue to follow I-84 E

15.1 mi



8. Use the left 3 lanes to take exit 49 for I-184

0.5 mi



9. Continue onto I-184 E

3.2 mi



10. Continue onto US-20 E/US-26 E

1.9 mi

### Continue on S Ave A to your destination

3 min (0.3 mi)



11. Turn left onto S Ave A

0.2 mi



12. Turn right



Destination will be on the right

440 ft

## 322 E Front St

Boise, ID 83702

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4<sup>th</sup> day of November, 2020, 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, postage prepaid and properly addressed to the following:

Documents Served:

- Notice of Hearing, Order Scheduling Discovery, Disclosure Order, and Notice of Prehearing Conference.
- Hearing Procedures for Application for Permit.
- Map with Directions to the IDWR State Office

JEFFERY STODARD  
WALLENE STODDARD  
5592 PASCOE RD  
MARSING ID 83639

STEVE COITEAX  
5622 PASCOE RD  
MARSING ID 83639



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Anna Kaiser  
Water Resource Agent



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

November 4, 2020

JEFFERY STODDARD  
WALLENE STODDARD  
5592 PASCOE RD  
MARSING ID 83639

STEVE COITEUX  
5622 PASCOE RD  
MARSING ID 83639

Dear Interested Parties,

Enclosed is a Notice Hearing for Application for Permit No. 57-12015 in the name of Jeffery and Wallene Stoddard, the hearing procedures for permit applications, and a map with directions to the Department of Water Resources State Office from 5622 Pascoe Rd.

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,

A handwritten signature in blue ink, appearing to read 'Anna Kaiser', is written over a horizontal line.

Anna Kaiser  
Water Resource Agent

Enclosures