

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

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 13-8048 IN THE)
NAME OF BINGHAM FARMS LLC)**

**NOTICE OF HEARING AND
SCHEDULING ORDER**

On February 28, 2020, Bingham Farms LLC filed Application for Permit No. 13-8048 with the Idaho Department of Water Resources (Department), seeking a permit to divert 20 acre-feet from an Unnamed Stream for irrigation storage and irrigation from storage use. The Department published notice of the application on April 1 and 8, 2020. A timely protest was filed by Clinton Aston.

The Department conducted a pre-hearing conference on August 6, 2020 and a status conference on October 8, 2020. The parties requested that an administrative hearing be held to decide the case.

NOTICE OF HEARING

Notice is hereby given that the Department has scheduled this contested case for a hearing to be held on **Tuesday, January 12, 2021, beginning at 10:00 am, at the Preston City Office, 70 West Oneida Street, Preston, Idaho.** The presiding officer at the hearing will be Cherie Palmer, whose mailing address is Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098.

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 ten (10) days prior to the hearing. Inquiries about scheduling or hearing facilities should be directed to Christina Henman at (208) 525-7161.

To avoid duplication of exhibits, pursuant to Rule 602 of the Department's Rules of Procedure (IDAPA 37.01.01), the hearing officer will take official notice of the following documents from the application file and department records. For ease of reference, these documents will be identified by the following exhibit numbers:

IDWR1	Application for Permit 13-8048
IDWR2	Notice of Protest – Aston

SCHEDULING ORDER

1. 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 December 15, 2020.
2. Dispositive motions must be filed on or before December 18, 2020.
3. On or before December 29, 2020, 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.
4. On or before December 29, 2020, 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).
5. To avoid duplication of exhibit numbers, the parties should use the following numbers for the proposed exhibits:

Applicant Bingham Farms LLC:	Exhibits 1 – 100
Protestant Clinton Aston:	Exhibits 101 – 200

Dated this 21st day of October, 2019.



Cherie Palmer
Hearing Officer

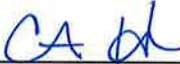
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of October, 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 requested, postage prepaid and properly addressed to the following:

Document Served: Notice of Hearing and Scheduling Order - Application 13-8048

Bingham Farms LLC
3753 S 3200 W
Weston, ID 83286

Clinton Aston
PO Box 35
Weston, ID 83286



Christina Henman
Administrative Assistant