

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

IN THE MATTER OF	)	
APPLICATION FOR PERMIT	)	NOTICE OF HEARING
NO. 65-23867 IN THE NAME	)	AND SCHEDULING ORDER
<u>OF BIG WILLOW RANCH LLC</u>	)	

On May 20, 2020, Big Willow Ranch LLC (Applicant) filed Application for Permit No. 65-23867 with the Idaho Department of Water Resources (Department). The Department published notice of the application in newspapers sufficient to achieve statewide circulation as required by §42-203A(2). The Application was timely protested by Black Canyon Irrigation District (BCID), Emmett Irrigation District (EID), the Idaho Department of Fish and Game (IDFG), the United States of America Department of the Interior (USDI) Bureau of Land Management (BLM), and the USDI Bureau of Reclamation (BOR).

The Department held a pre-hearing conference on September 2, 2020. At the conference, the parties asked the Department to schedule a hearing and to initiate discovery. The presiding officer provides notice of a hearing and orders as follows:

**NOTICE OF HEARING**

**The department has scheduled the matter for a hearing beginning at 9:00 a.m. on Tuesday, January 26, 2021, at IDAHO DEPARTMENT OF WATER RESOURCES, STATE OFFICE, 322 E. Front St., 6th Floor, Boise, ID 83720.** The hearing officer will be James Cefalo, whose mailing address is 900 North Skyline Drive, Suite A, Idaho Falls, ID 83402-1718 and whose email address is [James.Cefalo@idwr.idaho.gov](mailto:James.Cefalo@idwr.idaho.gov).

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 hearing will be held in accordance with 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. A copy of the Rules of Procedure may be obtained from the Department upon request or at <https://adminrules.idaho.gov/rules/current/37/index.html>.

The hearing 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 contact Kensie Thorneycroft (208-334-2190) no later than five (5) days prior to the hearing.

**SCHEDULING ORDER**

1. General discovery may begin immediately and shall end on December 21, 2020.
2. Written requests for discovery shall be either interrogatories or requests for documents.
3. Responses to discovery must be served on the requesting party and all other parties within 14 days of the request.

4. Notices of deposition, cover letters stating discovery requests have been served, cover letters stating responses to discovery requests have been served, and objections to discovery must be served on all parties and the Department. Service via email is authorized.
5. Expert witness reports shall be due and served no later than October 30, 2020. Rebuttal reports shall be due and served no later than November 13, 2020.
6. Depositions must be completed on or before December 21, 2020.
7. Dispositive motions must be filed no later than December 31, 2020.
8. On or before January 15, 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.
9. On or before January 15, 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 (IDAPA 37.01.01). Pursuant to Rule 529 of the Rules of Procedure, exhibits for each party shall be numbered as follows:

Applicant:	1 - 100
Protestant BCID:	101 - 200
Protestant EID:	201 - 300
Protestant IDFG:	301 - 400
Protestant BOR:	401 - 500
Protestant BLM:	501 - 600
10. To avoid duplication of exhibits, the hearing officer notes that the following documents are already part of the record for this matter:
  - Application for Permit 65-23867 (May 20, 2020)
  - Protest documents filed by each of the protestants
  - Rule 40 Additional Information for Application for Permit 65-23867 (September 1, 2020)
11. Pursuant to Rule 602 of the Department's Rules of Procedure (IDAPA 37.01.01), the hearing officer may take official notice of the Water District 65 computerized water rights accounting reports. These reports are available at the following URL:  
<https://idwr.idaho.gov/water-data/water-rights-accounting/WD65.html>

Dated this 18<sup>th</sup> day of September 2020



James Cefalo  
Hearing Officer

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18<sup>th</sup> day of September 2020, true and correct copies of the document 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 And Scheduling Order
- Hearing Procedures for Application for Permit

BIG WILLOW RANCH LLC  
C/O MICHAEL P LAWRENCE  
GIVENS PURSLEY LLP  
601 W BANNOCK ST  
PO BOX 2720  
BOISE ID 83701-2720

BLACK CANYON IRRIGATION  
DISTRICT  
C/O ANDREW J WALDERA  
SAWTOOTH LAW OFFICE  
1101 W RIVER ST STE 110  
PO BOX 7985  
BOISE ID 83707

EMMETT IRRIGATION DISTRICT  
C/O NEIL SHIPPY  
222 E PARK ST  
EMMETT ID 83617

IDAHO DEPARTMENT OF FISH AND  
GAME  
C/O ANN Y VONDE  
DEPUTY ATTORNEY GENERAL  
NATURAL RESOURCES DIVISION  
OFFICE OF THE ATTORNEY GENERAL  
PO BOX 83720  
BOISE ID 83720-0010

USDI BUREAU OF LAND  
MANAGEMENT  
C/O FREDRIC W. PRICE  
IDAHO STATE OFFICE  
1387 SOUTH VINNELL WAY  
BOISE ID 83709-1657

USDI BUREAU OF RECLAMATION  
C/O LISA C LANCE  
USDI OFFICE OF THE SOLICITOR  
960 S BROADWAY AVE STE 400  
BOISE ID 83706

USDI BUREAU OF RECLAMATION  
C/O E. GAIL MCGARRY  
1150 N CURTIS RD STE 100  
BOISE ID 83706-1234



Kensie Thorneycroft  
Administrative Assistant 1



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

September 18, 2020

BIG WILLOW RANCH LLC  
C/O MICHAEL P LAWRENCE  
GIVENS PURSLEY LLP  
601 W BANNOCK ST  
PO BOX2720  
BOISE ID 83701-2720

**RE: Application for Permit No. 65-23867**

Dear Applicant and Interested Parties:

Please see the enclosed *Notice of Hearing and Scheduling Order* for Permit No. 65-23867 in the name of Big Willow Ranch LLC.

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 'Kensie Thorneycroft', is written over a faint, larger signature.

Kensie Thorneycroft  
Administrative Assistant

Enclosures

CC:

BLACK CANYON IRRIGATION DISTRICT  
EMMETT IRRIGATION DISTRICT  
IDAHO DEPARTMENT OF FISH AND GAME  
USDI BUREAU OF LAND MANAGEMENT  
USDI BUREAU OF RECLAMATION