

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

IN THE MATTER OF APPLICATION FOR)	
TRANSFER NO. 81268 IN THE NAME OF)	NOTICE OF HEARING AND
<u>MITCHELL D AND ELAINE R SORENSON</u>)	SCHEDULING ORDER

NOTICE OF HEARING

On March 3, 2016, Mitchell D and Elaine R Sorensen filed Application for Transfer No. 81268 with the Idaho Department of Water Resources (department). A protest was filed by Joel Andersen represented by Jim Speck of Speck & Aanestad.

The department conducted a pre-hearing conference on January 26, 2017. The parties requested that an administrative hearing be held to decide this contested case. The department conducted a hearing on August 29, 2018. Part way through the hearing, the parties decided that the protest could be settled and agreed to terminate the hearing. Over nine months have passed the initial hearing and the parties have been unable to agree on terms of settlement. The parties have now requested that the hearing be rescheduled.

The department has scheduled this matter for hearing on **August 21, 2019, beginning at 9:30 AM, in Arco Butte Business Center, 159 N. Idaho, Arco, Idaho.**

The presiding officer at the hearing will be James Cefalo, whose mailing address is 900 N. Skyline Dr., Ste 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 Sharla Cox at (208) 525-7161.

SCHEDULING ORDER

1. On or before August 7, 2019, 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.
2. On or before August 7, 2019, 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.
3. Exhibits and witnesses identified prior to the August 2018 hearing do not need to be disclosed again. The following exhibits were disclosed prior to the August 2018 hearing:

Applicants Exhibits: 100 - Illustrative GIS Map
101 - Expert Report, Dave Shaw
102 - Open File Report, 70-93

Protestants Exhibits: 1 - Resume for Patrick N Naylor
2 - Resume for W. Roger Warner
3 - RME, Analysis
4 - Water Supply Bank Lease
5 - Water Supply Bank Rental
6 - Application map
7 - Water Right 34-2397A Proof Report
8 - Water Right 34-10762 Proof Report
9 - Water Right 34-2424A Proof Report
10 - Water Right 34-2424A Map
11 - Aquifer Test Results
12 - Corrected Well Report
13 - Well Driller's Report
14 - Well Driller's Report
15 - Well Driller's Report
16 - Appendix A
17 - Appendix B

4. In order to avoid duplication of exhibits, the department has identified certain documents from the application file and the department's records as proposed exhibits for the hearing. The hearing officer will bring a copy of these proposed exhibits to the hearing. The parties need not include these documents as part of their exhibit lists.

IDWR #1: Application for Transfer (31 pages)
IDWR #2: Notice of Protest from Joel Anderson
IDWR #3: Proof Reports for the following water rights:
34-2424A 34-10139
34-2424B 34-12416
34-2428

5. Mitchell Sorensen and his consultant, David Shaw, testified at the August 2018 hearing prior to the termination of the hearing. The department has the audio recording of the hearing. To save time at the current hearing, the parties may want to accept the testimonial evidence from the prior proceeding. If either or both of the parties would like to offer the transcript from the prior hearing as evidence, the transcript of the prior hearing should be identified as a proposed exhibit. Please contact the department for a copy of the audio file.

Dated this 3rd day of June, 2019.

A handwritten signature in black ink, appearing to read 'J. Cefalo', is written over a horizontal line.

James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3RD day of June, 2019, 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. 81268

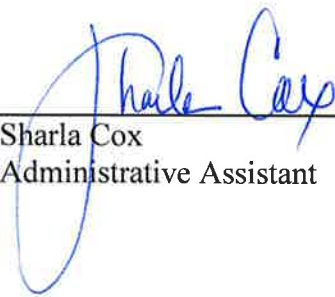
Jim Speck
PO Box 987
Ketchum ID 83340

Luke Marchant
Holden Kidwell Hahn & Crapo
PO Box 50130
Idaho Falls ID 83405-0130

COURTESY COPY

Elaine R Sorensen
3871 W 2500 N
Moore ID 83255

Joel S Andersen
2791 N 3375 W
Moore ID 83255



Sharla Cox
Administrative Assistant