

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

IN THE MATTER OF APPLICATION	)	
FOR TRANSFER NO. 82640 IN THE	)	
<u>NAME OF CLINTON ASTON</u>	)	NOTICE OF HEARING AND SCHEDULING ORDER

NOTICE OF HEARING

On August 15, 2018, Clinton Aston filed Application for Transfer No. 82640 with the Idaho Department of Water Resources ("department"). Protests were filed by Jay Norman Fannesbeck, Kevin L. Olson, Bob White, Shelly and William Spradlin and J & F King Farm Inc, represented Geraldine K. Gunnell.

The department conducted a pre-hearing conference on November 28, 2018. The applicant requested an administrative hearing be held to decide this contested case.

The department has scheduled this matter for hearing on **February 26 and 27, 2019 beginning at 10:00 AM on February 26 and 9:00 AM on February 27, in Commissioner Room at 39 W. Oneida, Preston, 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 February 12, 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 February 12, 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. In order to avoid duplication of exhibits, the department has identified certain documents from the application file 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	
IDWR #2:	Notice of Protest from Jay Norman Fannesbeck	
IDWR #3:	Notice of Protest from Kevin L. Olson	
IDWR #4:	Notice of Protest from Bob White	
IDWR #5:	Notice of Protest from Shelly and William Spradlin	
IDWR #6:	Notice of Protest from J & F King Farm Inc	
IDWR #7:	Proof Reports for the following water rights:	
	13-2209	Bingham, Fannesbeck, Schvaneveldt
	13-4284	Fannesbeck
	13-7661	Fannesbeck
	13-2211	Williams, Herbert N
	13-2227	Williams, Herbert N
	13-4120	Aston
	13-7971	Campbell, Paul
	13-7695	Campbell, Paul

Dated this 14th day of December, 2018.



James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of December, 2018, 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. 80529

Clinton K. Aston
PO Box 35
Weston ID 83286-0034

Holden Kidwell Hahn & Crapo
c/o Robert Harris
PO Box 50130
Idaho Falls ID 83405-0130

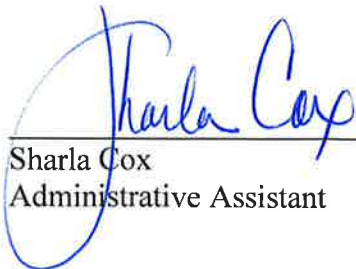
J & F King Farms Inc
Geraldine K Gunnell
8169 W Hwy 36
Weston ID 83286

Shelly and William Spradlin
6995 W 2200 S
Weston ID 83286

Bob White
7026 W 2200 S
Weston ID 83286

Kevin L. Olson
7806 W 300 S
Weston Id 83286

Jay Norman Fonnesbeck
6022 W Hwy 36
Weston ID 83286



Sharla Cox
Administrative Assistant