

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

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 80793 IN THE NAME OF <u>MEADOWLARK RANCH LLC</u>	)	NOTICE OF HEARING, NOTICE OF STATUS CONFERENCE AND DISCOVERY/DISCLOSURE ORDER
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NOTICE OF HEARING

On March 29, 2016, Meadowlark Ranch LLC filed Application for Transfer No. 80793 with the Idaho Department of Water Resources ("department"). Protests were filed by B. Joan Oliver, Bureau of Land Management, Cleveland Irrigation Company, Craig McGregor and Merrill Ranch Partnership. Craig McGregor and Cleveland Irrigation Company withdrew their protests on July 21, 2016.

The department conducted a pre-hearing conference on July 21, 2016 and conducted a status conference on September 25, 2018. The parties have now requested that an administrative hearing be held to decide this contested case.

The department has scheduled this matter for hearing on **April 11, 2019, beginning at 9:00 AM, at the Idaho Department of Fish & Game, 1345 Barton Road, Pocatello, 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.

NOTICE OF STATUS CONFERENCE

The hearing officer hereby notifies the parties that a status conference for this contested case has been scheduled for **March 14, 2019 at 9:00 am**, at the Idaho Department of Water Resources, 900 N. Skyline Dr Ste A, Idaho Falls ID 83402

To participate by telephone, please use the following number

Telephone: 1-877-820-7831

Participate Code: 889693

The status conference will be held in accordance with provisions of Chapter 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the department's Rules of Procedure (IDAPA 37.01.01). A copy of the Rule of Procedure may be obtained from the Department upon request.

The pre-hearing conference 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 pre-hearing conference, please notify the department at least (10) days prior to the hearing. Inquiries about scheduling, hearing facilities, etc., should be directed to Sharla Cox, (208)525-7161.

DISCOVERY / DISCLOSURE ORDER

1. General discovery shall commence on September 25, 2018.
2. Written discovery may be interrogatories and/or requests for production. Parties shall not propound more than twenty-five interrogatories on another party. Interrogatories shall not be divided into sub-parts or sub-questions. Discovery requests shall be served on or before January 25, 2019.
3. Answers to written discovery must be served on the requesting party within thirty days of service of the request. All responses to discovery shall be served on or before February 25, 2109.
4. On or before March 15, 2019, each party must disclose to all other parties and the hearing officer a copy of any expert report which will be offered for admission into the evidentiary record at hearing.
5. On or before March 28, 2019, each party must disclose to all other parties and the hearing officer a copy of any expert report rebuttals which will be offered for admission into the evidentiary record at the hearing.
6. On or before March 28, 2019, each party seeking to offer exhibits at the hearing, including any rebuttal expert reports, 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.

7. In an attempt to reduce the number of duplicate exhibits offered by the parties at hearing, the department has assigned exhibit numbers to the following documents from the application file:

IDWR #1: Application for Transfer 80793 with attachments (19 pages)
IDWR #2: Protest from B. Joan Oliver
IDWR #3: Protest from BLM with attachments (8 pages)
IDWR #4: Protest from Merrill Ranch Partnership LLC with cover letter (2 pages)
IDWR #5: Protest from Craig McGregor with attachments (3 pages)
IDWR #6: Withdrawal of Protest from Craig McGregor
IDWR #7: Protest from Cleveland Irrigation Company with attachments (2 pages)
IDWR #8: Withdrawal of Protest from Cleveland Irrigation Company
IDWR #9: Water right reports for rights 13-884, 13-885A, 13-885B, 13-886A, 13-886B, 13-887A, 13-887B, 13-888, 13-889C, 13-889D, and 13-7784.

Dated this 4th day of October, 2018.

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

James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of October, 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, Notice of Status Conference and Discovery/Disclosure Order

CERTIFIED MAIL Application for Transfer No. 80793

Meadowlark Ranch, LLC
9350 S 150 E, Ste 1000
Sandy UT 84070

B. Joan Oliver
272 E 750 N
Bountiful UT 84010

Barker Rosholt & Simpson
Travis Thompson
163 2nd Avenue West
Twin Falls ID 83301-5672

Racine Olson Nye Budge & Bailey
T.J. Budge
PO Box 1391
Pocatello ID 83204-1391

Rocky Mountain Environmental Assoc.
Kristin Moore
482 Constitution Way #300
Idaho Falls ID 83402

Merrill Ranch Partnership
PO Box 22
Swan Lake ID 83281

Bureau of Land Management
c/o Fredric Price
1387 S Vinnell Way
Boise ID 83709-1657



Sharla Cox
Administrative Assistant