

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

**IN THE MATTER OF APPLICATION
FOR TRANSFER 81940 IN THE NAME
OF EAST VALLEY CATTLE LLC**

**ORDER AUTHORIZING DISCOVERY;
SCHEDULING ORDER; NOTICE OF
HEARING**

BACKGROUND

On September 22, 2017, East Valley Cattle LLC, filed Application for Transfer No. 81940 ("Application") with the Idaho Department of Water Resources ("Department"). Nolan K. Branch and Kirtland Yates ("Protestants") filed protests against the Application.

On May 22, 2018, the Department held a pre-hearing conference. The parties were unable to resolve the issues of protest and requested that the Department schedule a status conference.

On August 1, 2018, the Department held a status conference. The parties were still unable to resolve the issues of protest and requested that the Department schedule a second status conference.

On August 29, 2018, the Department held a second status conference, but the parties were still unable to resolve the issues of protest. The parties requested that the Department authorize discovery and schedule a formal hearing to resolve this contested case.

ORDER AUTHORIZING DISCOVERY

IT IS HEREBY ORDERED that the parties are authorized to conduct and engage in discovery. *See* IDAPA 37.01.01.521.

SCHEDULING ORDER

IT IS FURTHER ORDERED that the following schedule is ADOPTED:

September 28, 2018 Deadline to serve written discovery requests. Answers to discovery are due within 30 days of the service date of the request.

November 20, 2018 Deadline for parties to file dispositive motions. Responses to dispositive motions are due within seven days of the filing date of the dispositive

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motion. Replies to responses are due within 14 days of the filing date of the dispositive motion.

January 15, 2019 Deadline for parties to submit a list of expert witnesses they intend to rely upon at the hearing, including the expert's name, address, and phone number.

January 15, 2019 Deadline for parties to submit copies of exhibits they intend to rely upon at the hearing. Please provide three copies of the proposed exhibits to the hearing officer. One of these three copies will be placed on the witness stand, so there is no need to bring extra copies of exhibits for the witnesses. Please also provide an electronic copy of the proposed exhibits to the hearing officer, if possible. Proposed exhibits for the hearing officer should be submitted to mathew.weaver@idwr.idaho.gov at the Department's State Office in Boise.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the hearing officer will hold a hearing in this matter on **January 29, 2019, beginning at 9:30 a.m.**, at the Twin Falls County West Building, 630 Addison Ave W, Twin Falls, ID, in Conference Room B (first floor). The hearing officer will be Mathew Weaver, whose mailing address is 322 E. Front St., PO Box 83720, Boise, Idaho 83720-0098, and whose email address is mathew.weaver@idwr.idaho.gov.

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 Kimberle English at (208) 287-4815 or kimberle.english@idwr.idaho.gov, no later than five days prior to the hearing.

DATED this 12 day of September 2018.



MATHEW WEAVER
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September 2018, I served a true and correct copy of the foregoing document on the following by the method(s) indicated below:

East Valley Cattle LLC
471 N 300 W
Jerome, Idaho 83338
lisa@millenkamp.com

Applicant

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

Greg Sullivan
Brockway Engineering, PLLC
2016 N Washington St. Ste. 4
Twin Falls, Idaho 83301
greg.sullivan@brockwayeng.com

For East Valley Cattle LLC, Applicant

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

Michael C. Creamer
Givens Pursley LLP
P.O. Box 2720
Boise, Idaho 83701-2720
mcc@givenspursley.com

For East Valley Cattle LLC, Applicant

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Overnight Mail
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- ☒ Email

Nolan K Branch
P.O. Box 24
Malta, Idaho 83342-0024
branchfarms@hotmail.com

Protestant

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

Kirtland Yates
1941 S 2450 E
PO Box 2139
Malta, Idaho 83342
Facsimile: (208) 344-6034
kirtyates@gmail.com

Protestant

- ☒ U.S. Mail, postage prepaid
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W Kent Fletcher
Fletcher Law Office
PO Box 248
Burley, Idaho 83318
wkf@pmt.org

- ☒ U.S. Mail, postage prepaid
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*For Nolan K Branch and Kirtland Yates,
Protestants*



Kimberle English