

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

IN THE MATTER OF APPLICATION	)	
FOR TRANSFER NO. 79403	)	NOTICE OF HEARING AND
<u>IN THE NAME OF C V RANCHES</u>	)	DISCOVERY/DISCLOSURE ORDER

NOTICE OF HEARING

On June 18, 2014, CV Ranches filed Application for Transfer No. 79403 with the Idaho Department of Water Resources (department). Protests were filed by Portneuf-Marsh Valley Canal Company represented by T.J. Budge of Racine Olson Nye Budge and Bailey, Topaz Canal Company, Lava Irrigation Company, McCammon Ditch Company and Dempsey Creek Irrigation Company.

An initial pre-hearing conference was conducted on September 11, 2014. Multiple status conferences have been conducted since that time. On February 28, 2017, during another status conference, the parties requested that a formal hearing be held to decide this contested case.

The department has scheduled this matter for hearing, to be held on **May 23, 2017, beginning at 9:00 AM, at the Lava Hot Springs Community Center, 150 N Center, Lava Hot Springs, 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.

DISCOVERY / DISCLOSURE ORDER

IT IS HEREBY ORDERED that discovery and mandatory disclosures in this case shall proceed as follows:

1. General discovery will begin on immediately.
2. Discovery requests may be interrogatories or requests for documents. Requests for admission are not allowed. No more than 15 interrogatories may be served by any party (or the attorney for several parties) on another party. Division of interrogatories into sub-parts is not permissible. Answers to written discovery must be served on the requesting party within 14 days of service of the request. Answers to discovery requests shall be served on or before May 9, 2017.
3. On or before May 9, 2017, each party must disclose to all other parties, including the hearing officer, in writing, the identity of all witnesses that will or may testify for the party at the hearing.
4. Parties proposing to offer exhibits at the hearing must provide a copy of the proposed exhibits to the other parties and the hearing officer on or before May 9, 2017
5. Service of the proposed exhibits will be the method of providing copies of exhibits to the parties as required by Rule 606 of the department's Rules of Procedure. All parties shall review the proposed exhibits prior to the hearing and come prepared to discuss whether the proposed exhibits should be admitted into the administrative record.

Dated this 28th day of February, 2017.

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 28th day of February, 2017, 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 Discovery / Disclosure Order

CERTIFIED MAIL Application for Transfer No. 79943

CV Ranches
3124 Nipper Rd
Bancroft ID 83217

CV Ranches
960 Kelley Toponce Rd
Bancroft ID 83217

Dempsey Creek Irrigation
Earl Smith
9589 E Maughan Rd
Lava Hot Springs ID 83246

Mc Cammon Ditch Company
Bryon Allen
PO Box 297
Mc Cammon ID 83250

TJ Budge
Racine Olson Nye Budge & Bailey
PO Box 1391
Pocatello ID 83204-1391

Lava Irrigation Company
Wayne Avery
PO Box 182
Lava Hot Springs ID 83276

Topaz Canal Company
Brett Casperson
8893 E Maughan Rd
Lava Hot Springs ID 83276

Scott Hess and Linda Jones
Holland & Hart LLP
800 W Main St, Ste 1750
Boise ID 83702

Courtesy Copies:
Banks Brothers
3229 Banks Rd
Bancroft ID 83217

Water District 29
Steve Hebdon
190 N Meadowview Dr
Armo ID 83214-1631



Sharla Cox
Administrative Assistant