

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

IN THE MATTER OF APPLICATIONS FOR) TRANSFER NO. 81292 AND 81293 IN THE) <u>NAME OF KIP AND BRANDI HUNTER</u>)	NOTICE OF HEARING AND DISCOVERY/DISCLOSURE ORDER
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NOTICE OF HEARING

On September 26, 2016, Kip and Brandi Hunter filed Applications for Transfer No. 81292 and 81293 with the Idaho Department of Water Resources (department). Protests were filed by Idaho Ground Water Appropriators represented by T.J. Budge of Racine Olson Nye Budge & Bailey; Aberdeen Springfield Canal Company also represented by T.J. Budge of Racine Olson Nye Budge & Bailey; A & B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company and Twin Falls Canal Company represented by Paul Arrington of Barker Rosholt & Simpson; and by American Falls Reservoir District #2 and Minidoka Irrigation District represented by Kent Fletcher of Fletcher Law Office.

The Department conducted a pre-hearing conference on January 30, 2017. During the conference, T.J. Budge stated that the protest filed by Aberdeen Springfield Canal Company would be withdrawn. The remaining parties requested that a formal hearing be held to resolve the protested matters.

The department has scheduled these matters for hearing on **May 30 and 31, 2017, beginning at 9:30 AM, at the Pocatello Airport Conference Room, 1950 Airport Way, 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.

DISCOVERY/DISCLOSURE ORDER

IT IS HEREBY ORDERED that the parties may engage in discovery as follows:

1. General discovery will begin immediately.
2. Written discovery may be interrogatories and/or requests for production. Parties shall not propound more than twenty-five interrogatories on another party. Interrogatories should not be divided into sub-parts or sub-questions. Discovery responses shall be filed within fourteen days after service of the discovery request.
3. On or before March 3, 2017, any party proposing to call an employee of the department to testify at hearing shall provide the hearing officer a list of topics and questions to be addressed by the department employee. The Director will then identify employee(s) who can address the listed topics/questions and make the employee(s) available for deposition.
4. Depositions of witnesses shall be taken according to the standards set forth in the Idaho Rules of Civil Procedure and any appropriate fees must be paid according to those rules. The hearing officer should not be provided copies of deposition transcripts.
5. All discovery, including depositions, shall be completed by May 2, 2017.
6. On or before May 12, 2017, each party must disclose in writing, to all other parties and the hearing officer, the identity of all witnesses that may testify for the party at the hearing. Further, on or before May 12, 2017, each party seeking to offer exhibits at the hearing must serve on all other parties and the hearing officer copies of all exhibits which may be offered.
7. 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 (IDAPA 37.01.01). All parties should review the proposed exhibits prior to the hearing and be prepared to discuss whether each of the proposed exhibits should be admitted into the administrative record.

Dated this 6th day of February, 2017.



James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th 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 Disclosure Order

CERTIFIED MAIL Applications for Transfer No. 81292 and 81293

Robert L. Harris
Holden Kidwell Hahn & Crapo
PO Box 50130
Idaho Falls ID 83405-0130

Greg Sullivan
Brockway Engineering
2016 N Washington St Ste 4
Twin Falls ID 83301

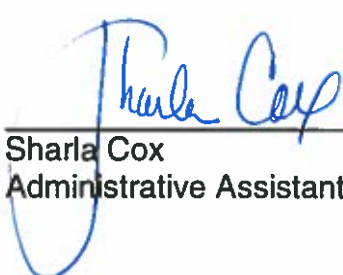
Kip and Brandi Hunter
467 S 1600 W
Pingree ID 83262

Idaho Ground Water Appropriators
TJ Budge
Racine Olson Nye Budge and Bailey
PO Box 1391
Pocatello ID 83204-1391

Aberdeen Springfield Canal Co
Randall C. Budge
Racine Olson Nye Budge and Bailey
PO Box 1391
Pocatello ID 83204-1391

A & B Irrigation District
Burley Irrigation District
Milner Irrigation District
North Side Canal Co
Twin Falls Canal Co
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PO Box 63
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American Falls Reservoir District #2
Minidoka Irrigation District
Kent Fletcher
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Sharla Cox
Administrative Assistant