

HEARING
Applications for Transfer: 79943
Date: December 8 & 9, 2016
Presiding Officer: James Cefalo
Assisted by: Denise Maline

NAME	PHONE NUMBER ADDRESS, CITY, ZIP	EMAIL ADDRESS	REPRESENTING
Chris King	PO Box 54 431-0904 Albion, 83311		
Norman Smyer	765 Hwy 77 Declo, Id 654-2310		
Kevin Smyer	POB 482 Albion, Id 83311		
Brian Merriman	480-332-8488 1076 S Hwy 77, Albion 83311		
Erick Powell	208-736-8543		
Willie Powell	208 878-9582		

If you are the applicant or the protestant, you can sign in and add your phone number. If you are not the protestant or the applicant, please fill in all the address information. PLEASE MAKE SURE TO ALWAYS PUT YOUR PHONE NUMBER AND EMAIL, IF POSSIBLE.
Thank you, IDWR.

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NAME	PHONE NUMBER ADDRESS, CITY, ZIP	EMAIL ADDRESS	REPRESENTING
Don Counderson WM - for WD45F			Protestants
Charles Honsinger	208-863-6106 P.O. 517, Boise, ID 83701	honsingerlaw@gmail.com	Warthen
Earl/Warthen			Protestant
Charles E. Brackway	208-736-8543 2016 Washington St N. Twin Falls, ID 83301	Charles.e.brackway@brackwayeng.com	Applicant

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24	WELL DRILLER LOGS
25	USGS WELL RECORDS
26	HYDRAULIC CONDUCTIVITY CALCULATIONS
27	GROUNDWATER DRAWDOWN ESTIMATION
28	CONTENTS IF FILE OF IDWR ON THE APPLICATION OF ALBION 12 WHICH ARE NOT AVAILABLE TO APPLICANT AT THIS TIME
29	COLORED MAPS OF POINTS OF DIVERSION CHANGES
30	Rebuttal Exhibit

Intro.	Accept
yes	yes
↓	↓
↓	↓

Protestants

HEARING EXHIBIT LIST

IN THE MATTER OF APPLICATION FOR
TRANSFER NO 79943

)

) December 8 & 9, 2016

Hearing Officer: James Cefalo

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF	EVIDENCE
		INTRODUCED	ADMITTED
101	Info WD45F by Honsinger	Yes	Yes
102	Attorney General Guidelines by King.	Yes	Yes.
103	E-mail King/merritt re: Power records ~~E-mail / concerns~~ ~~by Kevin Smyer~~	no removed by James prior on record.	

removed by
James prior to going
on record.

TESTIMONY LOG

IN THE MATTER OF APPLICATION FOR
TRANSFER NO 79943 IN THE NAME OF
ALBION 12 INVESTMENTS LLC

) HEARING
) Conducted by James Cefalo
) December 8 & 9, 2016

12-8-2016

TIME/ TRACK	COUNTER	TESTIMONY DESCRIPTION
9:04 AM #1		Test
9:36 #2	00:00	James - intro.
	5:10	James calls Parsons to call witnesses.
	6:20	Pause / break
	6:24	Back on record.
		Parsons calls Erick Powell.
	6:30	James swears in Erick Powell
	6:49	Parsons questions Powell
	58:	Parsons - finished.
#3 10:37	00:00	James crosses Powell
	9:36	Kevin Smyer crosses Powell
	18:14	Norman Smyer crosses Powell.
	20:04	Charlie Honsinger crosses Powell.
	37:54	Chris King - No questions.
	38:14	Parsons recrosses Powell
	40:30	Honsinger recrosses Powell
	41:56	Break
#4 11:33	00:00	James swears in Kevin Smyer.
	00:45	Kevin Smyer testifies.
	10:40	James crosses K. Smyer
	12:16	Parsons crosses K. Smyer
	13:42	James recrosses K. Smyer
	15:53	Chris King crosses K. Smyer

12-8-2016

TIME/ TRACK	COUNTER	TESTIMONY DESCRIPTION
#4 cont.	18:46	James recrosses K. Smyer.
	19:58	James swears in Norman Smyer
	20:27	N. Smyer testimony.
	23:26	James crosses N. Smyer
	23:46	Chris King crosses N. Smyer
	25:35	James calls Honsinger to call witnesses.
	25:54	James swears in Earl Warthen
	26:00	Earl Warthen testimony / Honsinger crosses Warthen.
	29:18	Parsons crosses Warthen.
	29:44	James swears in Don Gunderson
	30:07	Honsinger crosses Gunderson. James stopped to look at Gunderson papers.
#5 12:35	00:00	Honsinger continues cross w/ Gunderson
	7:20	James crosses Gunderson
	10:18	Honsinger - Nothing further
	10:23	James recrosses Gunderson
	17:32	Parsons crosses Gunderson
	27:20	James interjects to make clarification w/ Gunderson
	28:16	Parsons continues to cross Gunderson
	35:49	Stop / off record.
#6 1:20	00:00:	Parsons continues cross w/ Gunderson
	1:32	James recrosses Gunderson
	2:42	K. Smyer crosses Gunderson
	9:04	N. Smyer crosses Gunderson
	9:48	James questions relevance.
	10:03	N. Smyer withdraws question.
	10:10	C. King - No questions.

TIME/ TRACK	COUNTER	TESTIMONY DESCRIPTION
#6 1:30	10:18	off record.
#7 1:33	00:00	James swears in Chris King.
	00:35	King testimony
	2:50	James crosses King
	4:13	Parsons - No questions
	4:17	James recrosses King
	4:38	No questions from Protestants
	4:40	James questions King on E-mail / Ex. 102.
	7:59	Pause
	8:04	Back on record
	8:09	January 13 → briefs due
		Parsons crosses Powell again.
	10:37	Nothing further - Parsons
	10:49	James recrosses Powell
	13:30	James - closing statements
	15:35 35	Hearing concluded.

HEARING WITNESS LIST

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO 79943)

December 8 & 9, 2016

Hearing Officer: James Cefalo

WITNESS NAME	TESTIFYING FOR:	DATE /TIME CALLED
Don Gunderson	Protestant's	12/8/16 12:05 pm
Earl Warthen	himself	12/8/16 12:00 pm
Erick Powell	applicant	12/8/16 9:47 am
~~Charles E Brockway~~		" " 1:50 pm
~~Charles G Brockway~~		
~~Mike Merriman~~		
~~Brian Merriman~~		
~~George Montgomery~~		
~~Gwen Montgomery~~		
~~Cindy Yenter~~		
Kevin Smyer	Self	12/8/16 11:30 am
Norman Smyer	Self	12/8/16 11:45 am
Christopher King	Self	12/8/16 1:33 p.m.