

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 79938)
IN THE NAME OF BOYD BURNETT)**

**NOTICE OF HEARING AND
DISCLOSURE ORDER**

NOTICE OF HEARING

On March 30, 2015, Boyd Burnett filed Application for Transfer No. 79938 with the Idaho Department of Water Resources (department). Protests were filed by Nate Carpenter represented by James P. Speck of Speck and Aanestad, Reuben H. Babcock, and Russell Babcock.

A prehearing conference was held on July 23, 2015, and a status conference was held on February 11, 2016. On October 17, 2016, Nate Carpenter and Reuben H. Babcock filed an agreement to resolve their protests. Russell Babcock did not join the agreement.

Another status conference was held on October 28, 2016 with Boyd Burnett and Russell Babcock. The parties determined that a formal hearing should be held to resolve this protested matter.

The department has scheduled the matter for hearing on **February 22, 2016 beginning at 10:00 AM, at the Arco Butte Business Center, 59 Idaho, Arco, Idaho.**

The presiding officer at the hearing will be Cindy Yenter, whose mailing address is 102 S. Warpath, Salmon, ID 83467.

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.

DISCLOSURE ORDER

Each party shall provide a copy of all proposed exhibits, including any expert reports, to the opposing party and the hearing officer on or before February 3, 2017. Each party shall also provide a list of all proposed witnesses to the opposing party and the hearing officer on or before February 3, 2017.

Dated this 19th day of January, 2017.



James Cefalo
Water Resource Program Manager

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of January, 2016, 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

Russell Babcock
3428 W 3120 N
Arco ID 83213

Boyd Burnett
3219 N 3400 W
Moore ID 83255

Cindy Yenter (by email)
Cindy.yenter@idwr.idaho.gov



Sharla Cox
Administrative Assistant