

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

IN THE MATTER OF APPLICATION	)	
FOR TRANSFER NO. 79943	)	
IN THE NAME OF	)	NOTICE OF RESCHEDULED
<u>ALBION 12 INVESTMENTS LLC</u>	)	HEARING AND
		DISCLOSURE ORDER

NOTICE OF HEARING

On March 30, 2015, Albion 12 Investments LLC filed Application for Transfer No. 79943 with the Idaho Department of Water Resources ("department"). Protests against the application were filed by Norman L Smyer, Kevin Smyer, H Lee Jolley, Christopher J, King, Earl Lavell Warthen represented by Charlie Honsinger of Honsinger Law PLLC and James Wahlgren (who withdrew his protest on April 14, 2016).

Pre-hearing conferences were conducted on October 1, 2015 and November 5, 2015. The department originally scheduled the matter for a hearing to be held on March 31, 2016. Upon a motion from the applicant, the March 2016 hearing date was vacated. The department conducted additional conferences and rescheduled the matter for hearing to be held on October 25 and 26, 2016. Upon a joint motion by the applicant and protestant Earl Warthen, the October 2016 hearing date was vacated.

The department has now scheduled this matter for a hearing to be held on **December 8 and 9, 2016 beginning at 9:00 AM, at the Law Enforcement Building, Downstairs Classroom, 129 E 14th St, Burley, 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.

DISCLOSURE ORDER

On or before **November 11, 2016**, each party must disclose to all parties and the hearing officer, in writing, the identity of all witnesses that may testify for the party at the hearing. On or before **November 11, 2016**, each party seeking to offer exhibits at the hearing must serve on all parties and the hearing officer copies of the exhibits. Service of the proposed exhibits will satisfy the requirements of Rule 606 of the department's Rules of Procedure.

Dated this 28th day of October, 2016.

A handwritten signature in black ink, appearing to read 'J. Cefalo', written over a horizontal line.

James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of October, 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 Application for Transfer No. 79943

Albion 12 Investments LLC
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Scottsdale AS 85250-6081

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PO Box 54
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H Lee Jolley
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Parsons Smith & Stone
William A. Parsons
PO Box 910
Burley ID 83318-0910

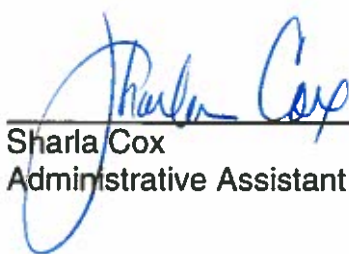
Kevin Smyer
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Albion ID 83311-0482

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Norman L Smyer
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Courtesy Copy – U.S. Regular Mail

Earl L Warthen
1047 S Hwy 77
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Sharla Cox
Administrative Assistant