

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

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

NOTICE OF HEARING

On March 30, 2015, Albion 12 Investments LLC ("Albion 12") filed Application for Transfer No. 79943 with the Idaho Department of Water Resources ("department"). Albion 12 filed an amended application on March 3, 2016. Protests were filed by Norman L Smyer, Kevin Smyer, H Lee Jolley, Christopher J King, James Wahlgren, and Earl Lavell Warthen, represented by attorney Charlie Honsinger. Albion 12 is represented by attorney William Parsons.

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. On February 16, 2016, William Parsons filed a motion asking the department to vacate the hearing. The motion was granted and the hearing scheduled for March 31, 2016 was vacated.

On July 7, 2016, the department conducted a status teleconference and the parties requested that the administrative hearing be rescheduled. .

The department has now scheduled this matter for hearing on **October 25 and 26, 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.

ORDER AUTHORIZING DISCOVERY AND SETTING DISCLOSURE DEADLINES

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

1. General discovery will begin on immediately.
2. Written requests for discovery must be interrogatories, requests for admission, or requests for documents. No more than 15 interrogatories may be served by any party (or the attorney for several parties) on another party. Division of a single interrogatory into more than two sub-questions is not permissible. All discovery requests shall be served on or before August 12, 2016.
3. Answers to written discovery must be served on the requesting party within thirty (30) days of service of the request. All responses to discovery shall be served on or before September 12, 2016.
4. On or before September 12, 2016, each party must disclose to all other parties, in writing, the identity of all expert witnesses that may testify at the hearing.
5. On or before September 26, 2016, each party must disclose to all other parties, in writing, the identity of all witnesses that may testify for the party at the hearing. Further, on or before September 26, 2016, each party seeking to offer exhibits at the hearing must serve on all parties, including the hearing officer, copies of exhibits that may be offered at the hearing.
6. Service of the proposed exhibits will be the method of providing copies of exhibits to the parties as required by Rule 606 of the Rules of Procedure. All parties shall review the proposed exhibits prior to the hearing, and come to the hearing prepared to discuss whether each of the proposed exhibits should be admitted into evidence.

Dated this 14th day of July, 2016.



James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 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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