

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

**IN THE MATTER OF APPLICATIONS)
FOR EXTENSION OF TIME TO AVOID)
AVOID FORFEITURE OF WATER)
RIGHTS 37-444 & 37-7636A IN THE)
NAME OF H. PHILIP CASH)**

**NOTICE OF HEARING,
ORDER AUTHORIZING DISCOVERY
AND SETTING DISCLOSURE DEADLINES**

NOTICE OF HEARING

On September 25, 2015, H. Philip Cash filed Applications for Extension of Time to Avoid Forfeiture for Water Rights. 37-444 & 37-7636A with the Idaho Department of Water Resources (department). The department published notice of the applications in the Camas Courier (Camas County) on December 2 and 9, 2015. A protest was filed by Big Wood Canal Company, represented by attorney Craig Hobdey. H. Philip Cash is represented by attorney Travis Thompson.

The department conducted a pre-hearing conference on June 2, 2016. The parties were unable to resolve the issues of protest at that time and requested that a hearing be held to resolve the protested matter.

The department has scheduled the matter for hearing on **Tuesday, September 20, 2016 beginning at 10:00 AM at the Idaho Department of Water Resources, Southern Regional Office, 650 Addison Avenue W, Suite 500, Twin Falls, ID 83301.**

The presiding officer at the hearing will be James Cefalo, whose mailing address is 900 N Skyline Dr, Ste A, Idaho Falls, ID 83402. If you plan to offer exhibits for the record at the hearing, Rule 606 of the department's Rules of Procedure requires that a copy be provided to the presiding officer.

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 adopted Rules of Procedure of the department, IDAPA 37.01.01, and Water Appropriation Rules 40 and 45. A copy of the code/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, hearing facilities, etc., should be directed to Denise Maline, (208) 736-3033.

ORDER AUTHORIZING DISCOVERY AND SETTING DISCLOSURE DEADLINES

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

1. General discovery may begin immediately.
2. Written requests for discovery must be interrogatories or requests for documents. Requests for admission are not allowed. 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 **July 29, 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 **August 26, 2016**.
4. Any depositions shall be completed on or before **August 26, 2016**.

IT IS FURTHER ORDERED that the parties shall disclose information and documents prior to the hearing as follows:

1. Any party seeking to offer an expert report at the hearing must provide a copy of the expert report to all other parties and the hearing officer on or before **August 12, 2016**.
2. Rebuttal expert reports must be provided to all other parties and the hearing officer on or before **September 2, 2016**.
3. On or before **September 2, 2016**, each party must disclose to all other parties and the hearing officer the identify of all witnesses who may testify for the party at the hearing.
4. On or before **September 2, 2016**, each party seeking to offer exhibits at the hearing must provide to all other parties and the hearing officer a copy of all exhibits that may be offered. 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. The parties shall 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 24th day of June, 2016


James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of June, 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:

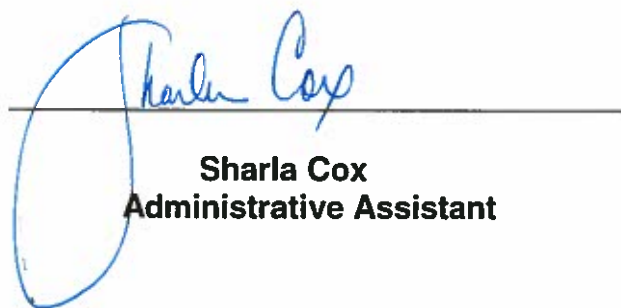
Document Served: Notice of Hearing and Discovery/Disclosure Order

H PHILIP CASH
607 E 200 S
FAIRFIELD, ID 83327

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C/O HOBDEY LAW OFFICE
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DENISE MALINE (via email)



Sharla Cox
Administrative Assistant