

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

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 74-16008 AND	)	
APPLICATION FOR TRANSFER	)	NOTICE OF HEARING AND
NO. 80150 IN THE NAME OF	)	DISCLOSURE ORDER
<u>LYNN AND ROBIN HERBST</u>	)	

NOTICE OF HEARING

On December 4, 2013, Lynn Herbst, filed Application for Permit No. 74-16008 with the Idaho Department of Water Resources (department). An amendment to the application was filed on June 26, 2015, amending the diversion rate and the place of use. The application was advertised to the public beginning October 22, 2015. Protests were filed by Idaho Department of Fish & Game, Lemhi Irrigation District, Idaho Water Resource Board.

On June 4, 2015, Lynn and Robin Herbst filed Application for Transfer No. 80150 with Idaho Department of Water Resources (department). Protest was filed by Idaho Water Resource Board.

The department has scheduled these matters for hearing on **July 14, 2016 beginning at 9:30 AM, at the Salmon Courthouse, Commissioners Annex, Room 103, 210 Newman, Salmon 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 **June 30, 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 **June 30 30, 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 24th day of May, 2016.

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

James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of May, 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 Permit No. 74-16008 and
Application for Transfer No. 80150

Holden Kidwell Hahn & Crapo
Robert Harris
PO Box 50130
Idaho Falls ID 83405-0130

Lemhi Irrigation District
c/o R.J. Smith
260 Withington Creek Rd
Salmon ID 83467

Lynn and Robin Herbst
PO Box 21
Tendoy ID 83468

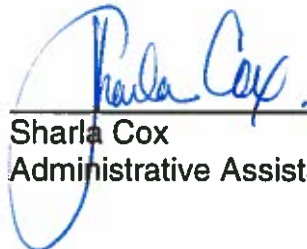
Ann Vonde
Deputy Attorney General
PO Box 44449
Boise ID 83711-4449

Idaho Dept of Fish & Game
Tom Bassista
4279 Commerce Circle
Idaho Falls ID 83401

Idaho Water Resource Board
c/o Morgan Case
7600 N Mineral Dr., Ste 100
Coeur D' Alene ID 83815

U.S. Mail
Water District 74
Rick Sager
985 Hwy 28
Salmon ID 83467

United States Department of Commerce
National Marine and Fisheries Service
William W. Stelle Jr.
7600 Sand Point Way N.E. Bldg. 1
Seattle WA 98115



Sharla Cox
Administrative Assistant