

IDAHO DEPARTMENT OF WATER RESOURCES
ROSTER OF ATTENDANCE

re Hearing Conference

Shekinah Industries Inc.

Application for Transfer No. 78356

Place: IDWR – Western Regional Office

Date: Wednesday, May 28, 2014

Time: 9:30 a.m.

NAME

ORGANIZATION

1. CHRISTIAN PETRICH	SPF (NEUID)
2. PAUL HURSON	
3. Michael Creamer	Gunn Ransley for Shekinah
4. D. MICHAEL PRESTON	SHEKINAH IND INC.
5. Susan Buxton	Moore Smith Buxton & Tuck - for Mayfield LLC
6. NORM SEMANKO	Attorney at Law for Nevix LLC
7.	
8.	
9.	
10.	

Prehearing Conference Notes

Shekinah Transfer #78356

From: J. Westra

Date: 05/28/14

The conference began with introductions and the review of conference purpose and evaluation criteria.

Review of remaining protest issues:

-1st Protestant: Nevid (Norm Semanko)

1. What is the amount of water that is being transferred? Can the volume be reduced?
2. Shekinah priority date subordination to the Nevid and Mayfield applications—considering settlement proposal.
3. What is really being proposed—application has been amended several times.
4. What is the local public interest? What was the Director's intent in the final order?

-2nd Protestant: Mayfield Townsite (Buxton)

Same concerns as Nevid

Response

-Applicant (Mike Creamer)

1. Move forward with application as soon as possible.
2. Mtn Home protest withdrawal—no effect
3. Applicant good with Christian Petrich's numbers – consolidated hearing
4. Applicant offered subordination to protestants for settlement consideration

-Protestants are not sure the subordination is acceptable or enough. Some volume reduction may also be needed. Would like consultants to reevaluate the water volume needed and availability—Christian P and Hal Anderson. Collaboration.

Hearing Date: Early October 2014—Send out calendars.

Parties all agreed to 60 day discovery period prior to hearing,
2 wk exchange of exhibits.

Conference Agenda

Application For Transfer #78356—Shekinah Industries Inc.

Date: 05/28/14

Location: IDWR Western Regional Office

-Introductions

-Conference Purpose—IDWR

-Identify the Remaining Issues/Concerns

Protestants: --- Uninterrupted

Nevid LLC & Elk Creek Ranch LLC

Mayfield Townsite LLC

Applicant--- Uninterrupted

-Comments/questions for the Department

-Discussion

-Actions/Options

-Specific Dates and deadlines.

Sheet #1

Pre Hearing Conference Purpose

- Formulate/simplify the issues*
- Discuss settlements, make settlement offers*
- Address matters that may expedite conduct of the proceeding or settlement*
- Schedule hearings, discovery.*

Evaluation Criteria —Applications for Transfer

Pursuant to Idaho Code §42-222

1. Authority to file a transfer application?
2. Evaluation of Water Right Validity—Is this a valid right?
3. Injury to other water rights?
4. Enlargement of use
5. Local Public Interest—*that is, the interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource.*
6. Will the proposed transfer be contrary to conservation of water resources within the State of Idaho?
7. Effect on economy and Ag. Economy of local area

Web References www.idwr.idaho.gov, select forms-rules-statutes

- Idaho Code 42-203A *Protests—Hearings Appeals*
- Rules of Procedure; IDAPA 37.01.01
- Water Appropriation Rules; IDAPA 37.03.08

Pre-hearing Conference

Shekinah Industries Inc.

Application for Transfer No. 78356

Reminder calls for a Pre-hearing Conference scheduled on 5/28/2014 at 9:30 am

Michael Creamer: (208)388-1200

CONFIRMED w/ RUTH (SECRETARY) ON 5/27/14 AT 9:01 am. RS

Norman Semanko: (208)863-7921

LEFT MESSAGE ON 5/27/14 AT 9:20 am. RS

Bruce Smith: (208)331-1800

LEFT MESSAGE ON 5/27/14 AT 9:24 am. RS