

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 79876 IN THE NAME)
OF BNH PROPERTIES LLC)**

**NOTICE OF HEARING AND
DISCLOSURE ORDER**

NOTICE OF HEARING

On February 26, 2016, BNH Properties LLC filed Application for Transfer No. 79876 with the Idaho Department of Water Resources (department). A protest was filed by Water District 74J (Withington Creek) represented by Jack Jackovac.

On November 19, 2015, a pre-hearing conference was conducted and the parties requested that an administrative hearing be held to resolve the protested matter.

The department has scheduled the matter for hearing on **March 8, 2016 beginning at 10:00 AM, at the Idaho Department of Fish & Game, 99 Hwy 93 North 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 **February 23, 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 **February 23, 2016**, each party seeking to offer exhibits at the hearing must serve on all parties and the hearing officer copies of the proposed exhibits. Service of the proposed exhibits will satisfy the requirements of Rule 606 of the department's Rules of Procedure.

Dated this 30th day of December, 2015.

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 30th day of December, 2015, 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

CERTIFIED MAIL

BNH Properties LLC
Brett Herbst
PO Box 367
Spanish Fork UT 84660

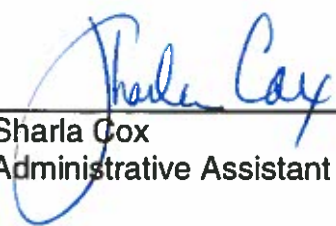
Water District 74J
Jack Jackovac
71 Red Rock Stage Rd
Salmon ID 83467

Courtesy copies sent via regular mail to:

Water District 74
Rick Sager
985 Hwy 28
Salmon ID 83467

Water District 74J
Robbie Jensen
184 Withington Creek Road
Salmon ID 83467

Idaho Department of Fish & Game
Attn: Vicki
99 Highway 93 North
Salmon ID 83467



Sharla Cox
Administrative Assistant