

MEMORANDUM

Date: November 19, 2015
To: Transfer 79876
From: Pam Skaggs 
Re: Protest & Pre-Hearing Conference

A prehearing teleconference was held this morning to discuss the protest on Application for Transfer 79876 filed by BNH Properties LLC.

The protestant Water District 74J Withington Creek was represented by the chairman of the district Mr. Jack Jakovac. Mr. Bob Loucks, a right holder in WD 74J, was also in attendance with Mr. Jakovac.

The applicant was represented by Mr. Brett Herbst and was in the company of Mr. Steven Herbst, both members of BNH Properties LLC. Mr. Steven Herbst is the lessor and currently farming the property associated with the transfer application.

All parties were given opportunities to share their perspective and concerns. The exchange and questions between parties were reasonable and productive, however both parties agreed the issue could not be resolved at the conference. The primary question relates to forfeiture concerns and possible injury to junior right holders on Withington Creek.

This protested matter will be forwarded for assignment to a hearing officer. The protestant would prefer a hearing in Salmon, while the applicant is flexible to meet at either Eastern Region, State Office or Salmon.