

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 74-16004	)	NOTICE OF HEARING, ORDER
IN THE NAME OF	)	AUTHORIZING DISCOVERY,
<u>ALLEN AND BETTY PURCELL</u>	)	AND DISCLOSURE ORDER

NOTICE OF HEARING

On July 15, 2013, Allen and Betty Purcell filed Application for Permit No. 74-16004 with the Idaho Department of Water Resources (department). An amendment to the application was filed on September 5, 2013, amending the use of water and the amount of water. The application was advertised to the public beginning September 19, 2013. Protests were filed against the application by the Idaho Water Resource Board and the Idaho Department of Fish & Game.

On November 4, 2014, a pre-hearing conference was conducted. The parties have now determined that a formal hearing should be held to resolve this protested matter.

The department has scheduled this matter for hearing on **December 1, 2015 beginning at 10:00 AM, at the U.S. Forest Service Building, Room 8, 1206 S Challis St, Salmon, Idaho.**

Some of the participants in the hearing may be participating by telephone, the teleconference number is as follows:

Telephone Number: 1-877-820-7831
Participant Code: 889693#

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.

ORDER AUTHORIZING DISCOVERY

Discovery may commence immediately. The parties may engage in limited, expedited discovery. The parties may seek requests for production and up to ten interrogatories (without multiple subparts). Discovery requests must be served on or before **October 30, 2015**. Responses to discovery must be filed within 14 days of the request and must be served on the requesting party on or before **November 13, 2015**.

DISCLOSURE ORDER

On or before **November 20, 2015**, 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 **November 20, 2015**, 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 20th day of October, 2015.

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

James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of October, 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, Order Authorizing Discovery and Disclosure Order

Allan and Betty Purcell
98 Purcell Rd
Leadore ID 83464

Ann Vonde
Deputy Attorney General
PO Box 83720
Boise ID 83720-0010

Courtesy copy sent via regular mail to:

Morgan Case
Idaho Water Resource Board
7600 N. Mineral Dr
Couer d' Alene ID 83835

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



Sharla Cox
Administrative Assistant