

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	NOTICE OF HEARING AND
FOR TRANSFER NO. 79938	)	ORDER AUTHORIZING
IN THE NAME OF BOYD BURNETT	)	DISCOVERY AND SETTING
	)	DISCLOSURE DEADLINES

NOTICE OF HEARING

On March 30, 2015, Boyd Burnett filed Application for Transfer No. 79938 with the Idaho Department of Water Resources (department). Protests were filed by Nate Carpenter represented by James P. Speck of Speck and Aanestad, Reuben H. Babcock and Russell Babcock.

A prehearing conference was held on July 23, 2015, and a status conference was held on August 5, 2015. The parties determined that a formal hearing should be held to resolve this protested matter.

The department has scheduled the matter for hearing on **February 11 and 12, 2016 beginning at 9:30 AM, at the Arco Butte Business Center, 59 Idaho, Arco, Idaho.**

The presiding officer at the hearing will be James Cefalo, whose mailing address is 900 N. Skyline Dr, Ste A, Idaho Falls Idaho 83402.

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 AND SETTING DISCLOSURE DEADLINES

1. General discovery will begin immediately.
2. Written requests for discovery must be interrogatories or requests for documents. Requests for admission are not allowed. No more than 15 interrogatories may be served by any party (or the attorney for several parties) on another party. Division of a single interrogatory into multiple sub-questions is not permissible. All discovery requests shall be served on or before **November 30, 2015**.
3. On or before **November 30, 2015**, all depositions of expert witnesses must be taken and completed according to the Idaho Rules of Civil Procedure, and any appropriate fee must be paid as set forth in the Idaho Rules of Civil Procedure.
4. Answers to written discovery must be served on the requesting party within 30 days of the request. All responses to discovery shall be served on or before **January 13, 2016**.
5. On or before **January 13, 2016**, expert reports to be offered as evidence in this contested case must be served on all other parties and the hearing officer.
6. On or before **January 27, 2016**, each party must disclose to all other parties and the hearing officer, any rebuttal expert reports, the identity of all witnesses that may testify for the party at the hearing, and any exhibits which may be offered at the hearing. Service of the proposed exhibits will satisfy the requirements of Rule 606 of the department's Rule of Procedure.

Dated this 14th day of August, 2015.



James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of August, 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 and Disclosure Order

CERTIFIED MAIL

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

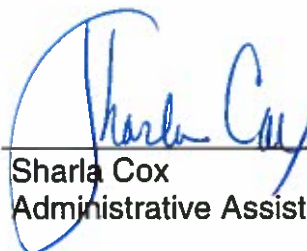
James P. Speck
Speck & Aanestad
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Reuben H. Babcock
Russell Babcock
3428 W 3120 N
Moore ID 83255

COURTESY COPY MAIL

Nate Carpenter
PO Box 307
Arco ID 83213

Boyd Burnett
3219 N 3400 W
Moore ID 83255



Sharla Cox
Administrative Assistant