

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS	)	NOTICE OF HEARINGS, ORDER
FOR TRANSFER NOS. 79357, 79380 AND	)	AUTHORIZING DISCOVERY
79384 IN THE NAME OF THOMAS	)	AND SETTING DISCLOSURE
AND DOROTHY LENO AND 79466	)	DEADLINES, AND NOTICE
<u>IN THE NAME OF FOUR SISTERS DAIRY</u>	)	OF STATUS CONFERENCE

NOTICE OF HEARINGS

On May 20, 2014, Thomas and Dorothy Leno filed three Applications for Transfer (Nos. 79357, 79380 and 79384) with the Idaho Department of Water Resources (department). Protests were filed by Delea C. Miller, Jimmie L. Conder, Michael and Jana Humphries, Ed Smith, Barbara and Lynn Stephens, Leslie Ellsworth (as spokesperson for herself and 9 other people), William D. Hamby, Jeanie and Fred McCreary, Lois M. Rice, Victoria B. Henson, Pam Ritter, Eric Parrott, Scott R. Houtz, Martin Hackard, Margaret Winsryg and Leroy Elliott represented by attorney David Coleman, and Elizabeth (Betty) Slifer. Richard M. Parrott protested Application for Transfer 79384.

On July 9, 2014, Four Sisters Dairy, LLC filed Application for Transfer No. 79466 with the department. Protests were filed by Richard Parrott, Jimmie L. Conder, Michael and Jana Humphries, William D. Hamby, Eric Parrott, Lois M. Rice, Leslie Ellsworth (as spokesperson for herself and 12 other people), Pam Ritter, Ed Smith, Shadow and Bonnie Seaman, Jeanie and Fred McCreary, Barbara and Lynn Stephens, Margaret Winsryg and Leroy Elliott represented by attorney David Coleman, Elizabeth (Betty) Slifer, and Martin F. Hackard.

A prehearing conference was held on November 19, 2014 for all four contested cases. The parties determined that four separate but consecutive hearings should be held to resolve these protested matters.

The department has scheduled these matters for hearing on **March 18 and 19, 2015, beginning at 8:30 AM, at the Twin Falls County Office, Conference Room "B", first floor, 650 Addison Ave W. Twin Falls, Idaho.** These hearing dates will be for all four applications for transfer. The hearings will be held in consecutive order beginning with Transfer No. 79357.

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

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 matters will have the opportunity to present information, examine witnesses, and provide argument on issues related to the contested applications.

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 began on November 19, 2014.
2. Written requests for discovery may be interrogatories or requests for documents. Requests for admission are not allowed. No more than 25 interrogatories may be served by any party (or the representative for several parties) on another party. Division of a single interrogatory into more than two sub-questions is not permissible. All discovery requests shall be served on or before January 9, 2015.
3. Answers to written discovery must be served on the requesting party within 30 days of service of the request. All responses to discovery shall be served on or before February 9, 2015.
4. On or before February 11, 2015, all expert reports to be offered at the hearing shall be disclosed and served on all other parties and the hearing officer.
5. On or before March 4, 2015, each party must disclose to all other parties and the hearing officer, in writing, the identity of all witnesses that may testify for the party at the hearing. Further, on or before March 4, 2015, each party seeking to offer exhibits at the hearing must serve on all parties and the hearing officer copies of any exhibits that may be offered at the hearing. Any rebuttal expert reports must be included in this disclosure of exhibits.
6. Service of the proposed exhibits will be the method of providing copies of exhibits to the parties as required by Rule 606 of the Rules of Procedure. All parties shall review the proposed exhibits prior to the hearing, and come to the hearing prepared to discuss whether the proposed exhibits should be admitted into the administrative record.

NOTICE OF STATUS CONFERENCE

During the pre-hearing conference, the parties requested that a status conference be held prior to the hearings to address any remaining preliminary matters. A status conference has been scheduled as follows:

Telephone Status Conference
March 11, 2015 at 9:00 AM
Telephone: 1-888-706-6468
Participant Code: 265275#

Dated this 5th day of December, 2014.



James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of December, 2014, 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

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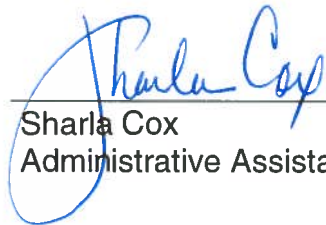
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Sharla Cox
Administrative Assistant