

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 79037 IN THE NAME)
OF P4 PRODUCTION, LLC.)**

**NOTICE OF HEARING
AND DISCLOSURE ORDER**

NOTICE OF HEARING

On December 31, 2013, P4 Production LLC filed Application for Transfer No. 79037 with Idaho Department of Water Resources (department). An admendment to the application was filed on June 18, 2014, amending the points of diversion to add points of diversion. The amended application was advertised to the public beginning June 26, 2014. Protests were filed by Brian Torgesen, the City of Soda Springs, Farmers Land & Irrigation Company represented by Jerry R. Rigby of Rigby Andrus & Rigby, John Lau, Pat Lozier and Nedra Torgesen.

A prehearing conference was held on April 24, 2014. The parties determined that a formal hearing should be held to resolve the protested matter.

On November 28, 2014, the department received a "Stipulated Settlement Agreement" resolving the issues of protest for the City of Soda Springs, Farmers Land & Irrigation Company, John Lau, and Pat Lozier. The protests filed by Brian Torgesen and Nedra Torgesen remain active.

The department has now scheduled the matter for hearing on **January 6, 2015 beginning at 10:00 AM, at the Caribou County Courthouse, 159 S. Main, Soda Springs, Idaho.** The remaining parties to the contested case (P4 Production LLC, Brian Torgesen and Nedra Torgesen) may participate in the hearing.

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.

DISCLOSURE ORDER

On or before **December 19, 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 **December 19, 2015**, each party seeking to offer exhibits or expert reports 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 3rd day of December, 2014.

A handwritten signature in dark 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 3RD 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

Randall C. Budge
T.J. Budge
Racine Olson Nye Budge & Bailey
PO Box 1391
Pocatello ID 83204-1391

Nedra Torgesen
PO Box 45
Soda Springs ID 83276-0045

Brian Torgesen
President of Soda Creek 11B
260 River Dr
Soda Springs ID 83276

US MAIL

Caribou County Courthouse
Attn: Veda
159 S. Main
Soda Springs ID 83276



Sharla Cox
Administrative Assistant