

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 78862 IN THE)
NAME OF DONALD D. BROWN)

NOTICE OF HEARING AND
DISCLOSURE ORDER

NOTICE OF HEARING

On September 20, 2013, Donald D. Brown filed Application for Transfer No. 78862 with the Idaho Department of Water Resources (department). Protests were filed by Terry Walsh and by the Cedars Subdivision Owners Association Inc. represented by Thomas J. Holmes, of Jones, Chartered.

An initial pre-hearing conference was conducted on January 22, 2014. A second pre-hearing conference was conducted on June 20, 2014. Additional status conferences were conducted on August 6, 2014, October 15, 2014, and November 18, 2014. The parties have now determined that a formal hearing should be held to resolve the protested matter.

The department has scheduled the matter for hearing on **February 25, 2015, beginning at 9:00 AM, at the City of Pocatello City Chambers Meeting Room, 911 N. 7th Ave, Pocatello Idaho.**

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.

DISCLOSURE ORDER

On or before **February 11, 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. On or before **February 11, 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 and reports. Service of the proposed exhibits will satisfy the requirements of Rule 606 of the department's Rules of Procedure.

Dated this 20th day of November, 2014.


James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of November, 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

Thomas J. Holmes
Jones, Chartered
PO Box 967
Pocatello ID 83204-0967

Terry Walsh
10 Cedar Hills Dr
Pocatello ID 83204

Shawn Anderson
PO Box 95
Pocatello ID 83204-0095

US MAIL

Brad Christensen
4330 Bannock Hwy
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City of Pocatello
Attn: Koni Kendell
PO Box 4169
Pocatello ID 83205-4169



Sharla Cox
Administrative Assistant