

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS	)	
FOR PERMIT NO. 35-14240 THRU	)	
35-14244 IN THE NAME OF LANCE	)	NOTICE OF HEARING AND
<u>AND/OR LISA FUNK PARTNERSHIP</u>	)	ORDER SETTING DISCOVERY
		AND DISCLOSURE DEADLINES

NOTICE OF HEARING

On March 14, 2012, Lance and/or Lisa Funk Partnership filed Applications for Permit No. 35-14240, 35-14241, 35-14242, 35-14243 and 35-14244 with the Idaho Department of Water Resources (department). Protests were filed by Idaho Power Co. represented by John Simpson of Barker Rosholt & Simpson, Burley Irrigation District, A&B Irrigation District, Milner Irrigation District, North Side Canal Co. and Twin Falls Canal Co. represented by Paul Arrington of Barker Rosholt & Simpson, Minidoka Irrigation District represented by Kent Fletcher of Fletcher Law Office and Idaho Ground Water Appropriators Inc. represented by Randall C. Budge of Racine Olson Nye Budge & Bailey.

On September 17, 2013, a pre-hearing conference was conducted. Multiple status conferences have been conducted since that time. The parties have now determined that a formal hearing should be held to resolve these protested matters.

The department has scheduled these contested cases for hearing on **December 11 and 12, 2014 beginning at 9:30 AM, at the American Falls Courthouse, Commissioner's Room, 543 Bannock Ave, American Falls, 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.

ORDER SETTING DISCOVERY AND DISCLOSURE DEADLINES

1. General discovery may begin immediately.
2. Discovery requests 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 interrogatories into sub-parts is not permissible. Discovery requests shall be served on or before October 10, 2014.
3. Answers to written discovery must be served on the requesting party within 14 days of service of the request. Answers to discovery requests shall be served on or before October 24, 2014.
4. Expert reports must be served on all parties and the hearing officer on or before November 7, 2014.
5. Rebuttal expert reports must be served on all parties and the hearing officer on or before November 21, 2014.
6. On or before November 21, 2014, 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.
7. On or before November 21, 2014, each party must disclose to all other parties and the hearing officer any exhibits that may be offered at the hearing. Service of the exhibits will be the method of providing copies to the parties as required by Rule 606 of the department's Rules of Procedure. All parties shall review the exhibits prior to the hearing, and come to the hearing prepared to discuss whether the proposed exhibits should be admitted into the administrative record.

Dated this 18th day of July, 2014


James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 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

CERTIFIED MAIL

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

Idaho Ground Water Appropriators
Racine Olson Nye Budge & Bailey
PO Box 1391
Pocatello ID 83204-1391

Barker Rosholt & Simpson
John Simpson
PO Box 2139
Boise ID 83707

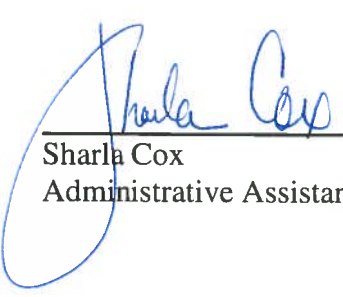
Barker Rosholt & Simpson
Travis Thompson
195 River Vista Place Ste 204
Twin Falls ID 83301-3029

Fletcher Law Office
PO Box 248
Burley ID 83318

U.S. MAIL

American Falls Courthouse
Attn: Jenny
543 Bannock Ave
American Falls ID 83211

Lance and/or Lisa Funk Partnership
2960 Cedar Lane
American Falls ID 83211



Sharla Cox
Administrative Assistant