

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 36-16976 IN THE NAME	)	
OF NORTH SNAKE GROUND WATER	)	NOTICE OF
DISTRICT ET AL. AND APPLICATION	)	PRE-HEARING CONFERENCE
FOR PERMIT NO. 36-17002 IN THE	)	
<u>NAME OF RANGEN INC.</u>	)	

On April 3, 2013, Aberdeen American Falls GWD, Bingham GWD, Bonneville-Jefferson GWD, Clark Jefferson GWD, Madison GWD, Magic Valley GWD and North Snake GWD ("the Districts"), represented by Randall C. Budge of Racine Olson Nye Budge & Bailey, filed an Application for Permit No. 36-16976 with the Idaho Department of Water Resources (department). Protests were filed by Rangen, Inc., represented by Fritz X. Haemmerle of Haemmerle & Haemmerle and by Blind Canyon Aquaranch Inc.

On February 3, 2014, Rangen, Inc. filed an Application for Permit No 36-17002 with the Department. Protests were filed by the Districts and by the City of Gooding, represented by Craig Hobday of Hobday Law Office.

The department has scheduled these matters for a joint pre-hearing conference on May 13, 2014, beginning at 10:00 AM. This meeting will be held at the Idaho Department of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, Idaho.

Agenda items for the pre-hearing conference will include:

1. Review of the applications.
2. Identify issues of protests.
3. Designate target date for conducting administrative hearing if resolution is not possible during the pre-hearing conference.
4. Set dates for discovery and pre-hearing disclosures.

The department encourages the applicant and protestants to discuss and resolve the protests before the pre-hearing conference. If private discussions are not possible or do not resolve the protests, the department's Rules of Procedure provide for a pre-hearing conference to be held before scheduling a formal hearing.

The pre-hearing conference provides another informal opportunity for the applicant and protestants to meet. The parties often settle their differences at the pre-hearing conference. If a formal hearing is needed to resolve the protests, the pre-hearing conference serves as an opportunity to formulate or simplify the issues, obtain concessions of fact or identification of documents to avoid unnecessary proof, schedule discovery (when discovery is allowed), arrange for the exchange of proposed exhibits or prepared testimony, limit witnesses, schedule hearings, establish procedure at hearings, and address other matters that may expedite orderly conduct and disposition of the proceeding.

It is important for all parties to give considerable thought to each of these matters before appearing at the pre-hearing conference and to make the most of the opportunity to resolve the dispute informally.

The pre-hearing conference 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 pre-hearing conference, please notify the department at least (10) days prior to the hearing. Inquiries about scheduling, hearing facilities, etc., should be directed to Sharla Cox, (208)525-7161.

Dated this 23rd day of April, 2014


James Cefalo
Water Resources Program Manager

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of April, 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, postage prepaid and properly addressed to the following:

Document Served: Notice Of Pre-Hearing Conference
Hearing Procedure for Application for Permit

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

Rangen Inc
Christopher Rangen
PO Box 706
Buhl ID 83316

Brockway Engineering
c/o Charles E Brockway
2016 N Washington St Ste 4
Twin Falls ID 83301

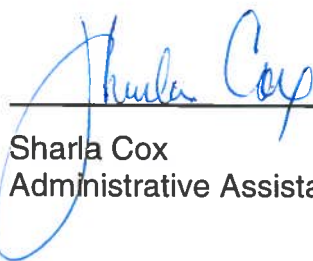
City of Gooding
c/o Hobdey Law Office
Craig Hobdey
PO Box 176
Gooding ID 83330

Fritz Haemmerle
Haemmerle & Haemmerle
PO Box 1800
Hailey ID 83333

Robyn M Brody
Brody Law Office
PO Box 554
Rupert ID 83350

J. Justin May
May Browning & May
1418 W Washington
Boise ID 83702

Blind Canyon Aquaranch Inc
Gary Lemmon
2757 S 1050 East
Hagerman ID 83332



Sharla Cox
Administrative Assistant

PRE-HEARING CONFERENCE AND/OR HEARING PROCEDURE APPLICATION FOR PERMIT

ISSUES

Applications to appropriate the water of the State of Idaho are referred to as applications for permit, and are for the development of new water rights. Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation reduce the quantity of water under existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6, and 7 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5, if applicable, lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues to avoid unnecessary proof, identify documents, schedule discovery, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing, and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the pre-hearing conference for the purpose of scheduling a hearing. Parties will be expected to discuss their availability at the prehearing conference for the purpose of scheduling the hearing.

HEARING

A hearing may be conducted according to Sections 42-1701A(1) and (2), Idaho Code and the department's Rules of Procedure. Copies of Idaho Code and the department's rules are available upon request or by accessing the department's website at: www.idwr.idaho.gov. The department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

The hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended or preliminary order. Parties can petition for reconsideration of a decision or file exceptions. A brief to support exceptions may request oral argument. Parties may seek judicial review of any final order issued by the Director.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the department no later than ten (10) days prior to the hearing.