

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	ORDER WITHDRAWING
FOR TRANSFER NO. 78862 IN THE	)	MARCH 31, 2014 ORDER
<u>NAME OF DONALD D. BROWN</u>	)	AND VACATING HEARING

On March 31, 2014, the Idaho Department of Water Resources ("Department") issued an order denying Application for Transfer 78862 and vacating the scheduled hearing date. The order was mailed to the parties in the morning and a copy of the order was sent to the parties by email. Later in the day on March 31st, the Department was notified that the parties had already stipulated to vacating the hearing date. The parties did not send a copy of the stipulation to the Department.

The March 31, 2014 order was defective because it did not include an insert designating it as a "preliminary order" and describing the appeals process for preliminary orders. It appears that the parties did not provide disclosures because they believed the hearing had been or would be vacated. The parties to this contested case should be given an opportunity to continue negotiations and adequately prepare for a formal hearing. Therefore, the March 31, 2014 Order should be withdrawn and the hearing scheduled for April 8, 2014 should be vacated.

ORDER

IT IS HEREBY ORDERED that the Order Denying Transfer and Vacating Hearing issued on March 31, 2014 is **WITHDRAWN**. Application for Transfer 78862 in the name of Donald D. Brown remains an active application pending before the Department.

IT IS FURTHER ORDERED that the hearing scheduled for April 8, 2014 is **VACATED** and the disclosure deadlines set for March 24, 2014 are **VACATED**. The hearing and the disclosure deadlines will be rescheduled according to the availability of the parties.

Dated this 1st day of April, 2014.



James Cefalo
Water Resources Program Manager

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of April 2014, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER WITHDRAWING MARCH 31, 2014 ORDER AND VACATING HEARING to the person(s) listed below:



Sharla Cox
Administrative Assistant

US MAIL

RE: Order Withdrawing March 31, 2014 Order and Vacating Hearing - Transfer 78862

**Donald D. Brown
4285 Bannock Highway
Pocatello, ID 83204**

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

**Terry Walsh
10 Cedar Hills Drive
Pocatello, ID 83204**

**Shawn Anderson
348 South 1st Avenue
Pocatello, ID 83201**