

**BEFORE THE DEPARTMENT OF WATER RESOURCES**  
**OF THE STATE OF IDAHO**

|                                              |   |                                                   |
|----------------------------------------------|---|---------------------------------------------------|
| <b>IN THE MATTER OF APPLICATION</b>          | ) |                                                   |
| <b>FOR TRANSFER NO. 78862</b>                | ) |                                                   |
| <b><u>IN THE NAME OF DONALD D. BROWN</u></b> | ) | <b>NOTICE OF HEARING AND<br/>DISCLOSURE ORDER</b> |

**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 the Cedar Hills Subdivision Owners Association, represented by Thomas J. Holmes with the law offices of Jones, Chartered.

On January 22, 2014, a pre-hearing conference was conducted and the parties requested that a formal hearing be held to resolve the protested matter.

The department has scheduled the matter for hearing on **April 8, 2014 beginning at 9:00 AM, at the Bannock County Ag Extension Offices, 10560 N Fairgrounds, Building A in 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](http://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 **March 24, 2014**, 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 **March 24, 2014**, each party seeking to offer exhibits 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 28<sup>th</sup> day of January, 2014.



James Cefalo  
Hearing Officer

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28<sup>th</sup> day of January, 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

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

Terry Walsh  
10 Cedar Hills Dr  
Pocatello ID 83204

Donald D. Brown  
4285 Bannock Hwy  
Pocatello ID 83204

Bannock County Ag. Extension Office  
10560 N Fairgrounds Bldg A  
Pocatello ID 83201

  
Sharla Cox  
Administrative Assistant