

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 78360 IN THE)
NAME OF WARD & SONS CO. INC.)**

**NOTICE OF HEARING AND ORDER
SETTING DISCLOSURE DEADLINES**

NOTICE OF HEARING

On October 2, 2001, Ward & Sons Co. Inc. filed Application for Transfer No. 69458 with the Idaho Department of Water Resources ("department"). Transfer 69458 was approved on February 4, 2002. Recently, the department determined that, due to errors in the transfer application and approval of Transfer 69458, it had to be reprocessed. Application for Transfer 69458 has been renumbered to 78360. Application for Transfer 78360 was re-advertised beginning on October 24, 2013. A protest was filed by Barry Williams, represented by Barker, Rosholt & Simpson. Ward & Sons is represented by Racine, Olson, Nye, Budge & Bailey.

On January 15, 2013, a pre-hearing conference was conducted and the parties requested additional time to try to resolve the contested case informally. The parties have negotiated since that time, but the protest has not been resolved. The parties have now requested a formal hearing be held to decide the protested matter.

The department has scheduled the matter for hearing on **November 19, 20 and 21, 2013, beginning at 10:00 AM, at American Falls Courthouse, Commissioner's Room, 543 Bannock Ave., American Falls Idaho.** A hearing for contested Application for Transfer No. 78314 will commence at the same location immediately following this hearing.

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 adopted Rules of Procedure of the department, IDAPA 37.01.01, and Water Appropriation Rules 40 and 45. A copy of the code/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

The parties have agreed to handle discovery in this case through pre-hearing disclosures and informal requests. IT IS HEREBY ORDERED that disclosures shall take place as follows:

On or before October 22, 2013, each party shall provide to the hearing officer and the opposing party a copy of any document which may be relied on or offered as an exhibit in the hearing, including any expert reports.

On or before October 22, 2013, each party shall provide to the hearing officer and the opposing party a list of witnesses that may testify on behalf of the party at the hearing. The list of potential witnesses shall include a brief summary of the subject matter to be addressed by each witness.

On or before November 5, 2013, any party wishing to provide a rebuttal expert report shall provide a copy of such report to the hearing officer and the opposing party.

On or before November 12, 2013, each party shall provide to the hearing officer and the opposing party a copy of the final exhibit list clearly identifying the exhibits to be offered at the hearing. The parties should come to the hearing prepared to discuss whether the identified exhibits should be admitted into the administrative record.

Dated this 10th day of July 2013.


James Cefalo
Hearing Officer

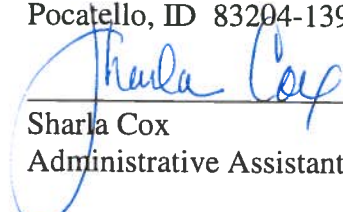
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of July, 2013, 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 Order Setting Disclosure Deadlines

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

Racine Olson Nye Budge & Bailey
Randy Budge or T.J. Budge
PO Box 1391
Pocatello, ID 83204-1391


Sharla Cox
Administrative Assistant