

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)	NOTICE OF SUPPLEMENTAL
FOR TRANSFER NO. 77610 IN THE)	HEARING AND ORDER SETTING
<u>NAME OF PARKINSON FARMS)</u>	DISCLOSURE DEADLINES

NOTICE OF HEARING

On November 8, 2011, Parkinson Farms filed Application for Transfer No. 77610 with the Idaho Department of Water Resources. The transfer application was advertised to the public and protests were filed by Kirby A. Jensen, Darrell L. McDonald, Seth E. Beal, and Norman K. Sowards and Darrell E McDonald represented by James P. Speck of the law firm Speck and Aanestad. Mr. Beal withdrew his protest on May 7, 2012.

A formal hearing was conducted on May 17th and 18th, 2012, in Arco, Idaho. On August 22, 2012, the hearing officer issued a Preliminary Order Approving Application for Transfer. Protestant Kirby Jensen filed exceptions with the director of the department, Gary Spackman. On February 6, 2013, Director Spackman issued an Order Remanding Contested Case to Hearing Officer, asking the hearing officer to augment the administrative record with additional technical data. The Order also authorized the hearing officer to conduct a supplemental hearing to allow the parties to respond to the additional technical data.

Parkinson Farms, Kirby Jensen, and Darrell E. McDonald, through his attorney Jim Speck, requested the opportunity to provide additional evidence in a supplemental hearing. Therefore, the department has scheduled the matter for supplemental hearing to be held on **August 13 and 14, 2013, beginning at 9:30 AM, at the Arco Butte Business Center, 159 North Idaho in Arco, Idaho.**

The presiding officer at the hearing will continue to 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 adopted Rules of Procedure of the department, IDAPA 37.01.01, and Water Appropriation Rules 40 and 45, IDAPA 37.03.08. 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 facilities should be directed to Sharla Cox at (208) 525-7161.

ORDER SETTING DISCLOSURE DEADLINES

IT IS HEREBY ORDERED that pre-hearing disclosures shall take place as follows:

1. On or before July 19, 2013, each party seeking to offer exhibits at the hearing must serve on all parties and the hearing officer, copies of the exhibits that may be offered at the hearing, including any expert reports. Service of the proposed exhibits will be the method of providing copies of exhibits to the parties as required by Rule 606 of the Rules of Procedure. All parties should review the proposed exhibits prior to the hearing, and come prepared to discuss whether each of the proposed exhibits should be admitted into the record.
2. On or before July 19, 2013, 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, including any expert witnesses.
3. Rebuttal expert reports, if any are prepared, must be provided to all parties and the hearing officer on or before August 2, 2013.
4. The parties have requested to take the deposition of IDWR employee Dennis Owsley prior to the hearing. Mr. Owsley's deposition shall be conducted on or before June 30, 2013. Mr. Owsley is not available for deposition between June 16th and June 22nd. Mr. Speck will take the lead in scheduling and setting up the deposition, but deposition costs will be split between all parties participating in the deposition. Mr. Owsley's availability should be scheduled through Garrick Baxter in the IDWR Boise office (208-287-4800).

Dated this 31st day of May 2013,


James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 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:

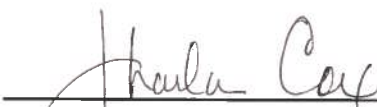
Document Served: Notice of Supplemental Hearing and Order Setting Disclosure Deadlines

Kirby A. Jensen
2781 N 3375 W
Moore, ID 83255

Darrell L. McDonald
PO Box 246
Arco, ID 83213

Speck & Aanestad
James P. Speck
PO Box 987
Ketchum, ID 83340

Parkinson Farms
2253 N 3100 W
Arco, ID 83213



Sharla Cox
Administrative Assistant