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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 77933 IN THE NAME OF
TELFORD LANDS LLC

**RESPONSE TO SUGGESTION
[MOTION] FOR RESCHEDULING THE
HEARING**

Telford Lands LLC (hereinafter the “Applicant”), by and through its counsel of record, Robert L. Harris of Holden, Kidwell, Hahn & Crapo, PLLC, hereby files this *Response to Suggestion for Rescheduling the Hearing*¹ filed by one of the protestants to the above-entitled matter, Kirby Jensen (hereinafter “Jensen”), on December 3, 2012.

Jensen’s motion was primarily based upon an anticipated decision to exceptions Jensen filed regarding a decision on a separate transfer proceeding involving Parkinson Farms (Transfer No. 77610), specifically the *Preliminary Order Approving Application for Transfer* (issued on August 22, 2012) and the *Order Denying Petitions for Reconsideration* (issued on September 25, 2012).

Since the filing of Jensen’s motion to postpone the hearing on the Telford transfer, Director Spackman has issued an *Order Extending Deadline for Good Cause Shown* (issued on December

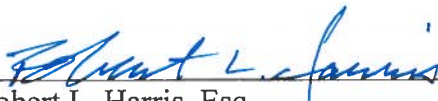
¹ The document filed by Jensen was entitled a “suggestion,” but neither IDWR’s procedural rules nor the Idaho Rules of Civil Procedure provide for the filing of a suggestion. The suggestion is a motion under IDWR’s procedural rules and under the Idaho Rules of Civil Procedure.

10, 2012), wherein the Director has extended the deadline for responding to Jensen's exceptions in the Parkinson transfer until February 6, 2013. Because the decision on the Parkinson transfer could have precedential value on the Telford's transfer, it seems appropriate to move the hearing date from February to sometime during the month of August 2013 in order to allow the parties time to analyze and address the Director's decision and whether it will have an impact on the Applicant's transfer.

The Applicant is not opposed to the motion to postpone the hearing, provided no legal action is taken to rescind the approved water supply bank lease for the Applicant's water rights to be temporarily used at the Island Wells. Jensen noted the approved water supply bank lease as a basis for postponing the hearing as the postponement would, in Jensen's view, have no negative impact on the Applicant. We agree that as long as Telford can pump under the water supply bank rental through the 2013 irrigation season, the hearing should be postponed. The party who challenged the water supply bank rental, Darrell E. McDonald, is a protestant to this Telford transfer, and he has not submitted anything in opposition to the proposed hearing date change.

For these reasons, we do not oppose Jensen's motion, and request the Hearing Officer to vacate the currently scheduled hearing date of February 19-21, 2013, and reschedule the hearing for three days sometime in August of 2013. Holding the hearing then would allow the hearing to proceed this year, and would provide the hearing officer with enough time to issue a decision by the end of the year. A decision at that time would then allow the parties to appropriately plan for the 2014 crop season based on the hearing officer's order. We further request that the disclosure dates for expert reports and exhibits be adjusted accordingly.

DATED this 21st day of December, 2012.



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the parties listed below by hand delivery, email, mail, or by facsimile, with the correct postage thereon, on this 21st day of December, 2012.

**DOCUMENT SERVED: RESPONSE TO SUGGESTION [MOTION] FOR
RESCHEDULING THE HEARING**

ORIGINAL TO: Idaho Department of Water Resources
Attn: James Cefalo
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

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