

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 77933 IN THE) NOTICE OF HEARING AND
NAME OF THE TELFORD LANDS LLC) ORDER AUTHORIZING DISCOVERY**

NOTICE OF HEARING

On April 30, 2012, Telford Lands LLC filed Application for Transfer No. 77933 with the Idaho Department of Water Resources (department). The transfer application was advertised to the public beginning on July 19, 2012. Protests were filed by Darrell E. McDonald, Kirby A. Jensen and Joel S. Andersen. On September 19, 2012, 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 **February 19, 20 and 21, 2012, at 9:00 A.M., at the Arco Butte Business Center, 159 N. Idaho, Arco, 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. If you plan to offer exhibits for the record at the hearing, note that Rule 606 of the department's Rules of Procedure requires that a copy be provided to the presiding officer.

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 hearing, please notify the Department within ten (10) days prior to the hearing. Inquiries about scheduling or hearing facilities should be directed to Sharla Cox at (208) 525-7161.

ORDER AUTHORIZING DISCOVERY

IT IS HEREBY ORDERED that the parties may engage in discovery as follows:

1. General discovery will begin immediately.
2. Written requests for discovery must be interrogatories or requests for documents. Requests for admission are not allowed. No more than five interrogatories may be served by any party (or the attorney for several parties) on another party. Division of a single interrogatory into more than two sub-questions is not permissible. All discovery requests shall be served on or before December 7, 2012.
3. Answers to written discovery must be served on the requesting party within fourteen days of service of the request. All responses to discovery shall be served on or before December 21, 2012.
4. On or before January 25, 2013, each party must disclose to all other parties, in writing, the identity of all witnesses that will or may testify for the party at the hearing. Further, on or before January 25, 2013, each party seeking to offer exhibits at the hearing, including any expert reports, must serve on all parties and the hearing officer copies of exhibits that may be offered at the hearing.
5. Service of the proposed exhibits will be the method of providing copies of exhibits as required by Rule 606 of the Rules of Procedure. All parties shall review the proposed exhibits prior to the hearing and come prepared to discuss whether the proposed exhibits should be admitted into evidence.
6. Any rebuttal report or written rebuttal statement prepared by an expert witness, which is intended to be offered as an exhibit, must be provided to all of the parties and the hearing officer on or before February 8, 2013.

Dated this 19th day of October, 2012.


James Cefalo
Presiding Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of October 2012, a true and correct copy of the document(s) described below were served by placing a copy of the same in the United States mail, certified with return receipts, postage prepaid and properly addressed to the following:

RE: Notice of Hearing and Order Authorizing Discover (Transfer 77933)

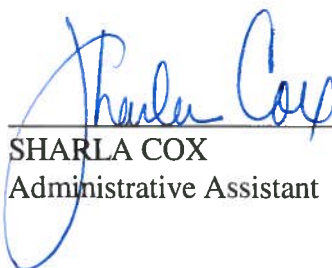
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SHARLA COX
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