

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)	
TRANSFER NO. 76779 IN THE NAME)	NOTICE OF HEARING AND ORDER
OF THE CITY OF POCA TELLO)	SETTING PRE-HEARING DEADLINES
_____)	

On April 1, 2011, a telephone status conference was held in this matter. The parties agreed to schedule a hearing on the dates set forth below. The parties also agreed to a number of pre-hearing deadlines to facilitate the exchange of witness lists, expert reports, and exhibits in advance of the hearing.

NOTICE OF HEARING

The department has scheduled this matter for hearing on July 25, 26, 27, 28 and 29, 2011, beginning at 9:00 AM, at the City of Pocatello Offices located at 911 N 7th Ave, Pocatello, ID 83205.

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 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 SETTING PRE-HEARING DEADLINES

IT IS HEREBY ORDERED that the parties shall serve any written discovery on other parties on or before **May 2, 2011**. Responses to written discovery shall be served on or before **May 16, 2011**.

IT IS FURTHER ORDERED that the parties shall make an initial disclosure of potential witnesses, including expert witnesses, on or before **May 16, 2011**.

IT IS FURTHER ORDERED that the parties are authorized to depose the watermaster for the Upper Portneuf River (Water District 29), Steve Hebdon. The deposition of Mr. Hebdon shall be conducted in **May 2011**. All parties, including those not represented by counsel, shall be notified of the deposition and provided an opportunity to participate in the deposition.

IT IS FURTHER ORDERED that the parties shall exchange any expert reports to be offered at the hearing on or before **June 3, 2011**.

IT IS FURTHER ORDERED that the parties are authorized to depose any experts who prepare reports included in the June 3rd exchange. Depositions of experts shall be completed on or before **June 24, 2011**. All parties, including those not represented by counsel, shall be notified of the depositions and provided an opportunity to participate in the depositions. Depositions of expert witnesses must be taken according to the Idaho Rules of Civil Procedure, and any appropriate fees must be paid as set forth in said rules.

IT IS FURTHER ORDERED that any pre-hearing motions or motions to limit the issues at hearing be filed on or before **July 1, 2011**.

IT IS FURTHER ORDERED that the parties shall exchange rebuttal expert reports, all exhibits to be offered at the hearing, and a final list of witnesses on or before **July 13, 2011**. The hearing officer shall be provided a copy of all of these materials at the same time.

Another status conference will be held in this matter on **July 22, 2011 at 9:00 A.M.** to address any final issues before the hearing. The conference call-in number is 1-888-706-6468 and the participation code is 265275.

Dated this 21st day of April 2011.


James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April, 2011, a true and correct copy of the document(s) described below were served by delivering a copy of the same to the United States Postal Service, certified mail with return receipt requested, postage prepaid and properly addressed to the following:

Document: Notice of Hearing and Order Setting Pre-Hearing Deadlines

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SHARLA COX
Administrative Assistant