BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 75265 IN THE NAME OF: ARK PROPERTIES LLC	))))	**NOTICE OF PRE-HEARING CONFERENCE**

On November 28, 2008, ARK PROPERTIES LLC, filed an Application for Transfer No. 75265 with the Idaho Department of Water Resources (department). Protest(s) were filed by BARBER-CAVEN RANCHES, HALF MOON RANCH LLC, & DOUBLE ANCHOR RANCHES INC.

The department has scheduled the matter for pre-hearing conference on **Thursday, August 12, 2010, beginning at 9:30 AM, at DEPARTMENT OF WATER RESOURCES, WESTERN REGION 2735 AIRPORT WAY, BOISE, ID, 83705.** The conference will be held in accordance with provisions of the IDWR Rules of Procedure and Water Appropriation Rules 40 and 45.

The pre-hearing conference 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 pre-hearing conference, please notify the department at least (10) days prior to the hearing. Inquiries about scheduling, hearing facilities, etc., should be directed to Denise Buffington, #(208)334-2190.

Dated this 25th day of May, 2010.

John Westra
Regional Manager

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of May, 2010, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Document Served: Notice Of Pre-Hearing Conference
Hearing Procedure for Application for Transfer

ARK PROPERTIES LLC
C/O JOHN MC CALLUM
11204 N BAR 21 DR
GLENNS FERRY, ID 83623-5033

MOORE SMITH BUXTON & TURCKE, CHARTERED
ATTN: BRUCE SMITH
950 W BANNOCK ST, STE 520
BOISE, ID 83702

SPF WATER ENGINEERING LLC
ATTN: LORI GRAVES
300 E MALLARD DR STE 350
BOISE, ID 83706

BARBER-CAVEN RANCHES
HALF MOON RANCH LLC
C/O RINGERT LAW CHARTERED
ATTN: CHARLES HONSINGER
PO BOX 2773
BOISE, ID 83701-2773

DOUBLE ANCHOR RANCHES INC
C/O LYNN R OR ELSIE RIGGS
5714 DOUBLE ANCHOR DR
GLENNS FERRY, ID 83623-5022

Denise Buffington
Administrative Assistant

PRE-HEARING CONFERENCE AND/OR HEARING PROCEDURE APPLICATION FOR TRANSFER

ISSUES

Applications for transfer are filed for the purpose of changing a point of diversion, purpose of use, period of use or nature of use of all or part of a licensed, decreed or statutory water right. Section 42-222, Idaho Code, identifies the following potential issues for the department to consider in connection with an application for transfer:

1. Will the proposed transfer reduce the quantity of water under existing water rights?
2. Will the proposed transfer constitute an enlargement in use of the original right?
3. Will the proposed transfer be contrary to the conservation of water resources within the State of Idaho?
4. Will the proposed transfer conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use and its potential effects on the public water source?
5. Will the proposed transfer adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?
6. If the proposed transfer is for a municipal use, is it necessary to provide reasonably anticipated future needs for a municipal service area and is the planning horizon consistent with Sections 42-222 and 42-202B, Idaho Code?
7. Will the proposed transfer change the nature of use from an agricultural use, and would such a change significantly affect the agricultural base of the local area?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 5, 6, and 7 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 4, if applicable, lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues to avoid unnecessary proof, identify documents, schedule discovery, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing, and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the prehearing conference for the purpose of scheduling a hearing. Parties will be expected to discuss their availability at the prehearing conference for the purpose of scheduling the hearing.

HEARING

A hearing may be conducted according to Sections 42-1701A(1) and (2), Idaho Code and the department's Rules of Procedure. Copies of Idaho Code and the department's rules are available upon request or by accessing the department's website at: www.idwr.idaho.gov . The department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

The hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended or preliminary order. Parties can petition for reconsideration of a decision or file exceptions. A brief to support exceptions may request oral argument. Parties may seek judicial review of any final order issued by the Director.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets 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 no later than ten (10) days prior to the hearing.