

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTED)	
)	
TRANSFER NO. 75177 IN THE NAME)	
OF PAUL BRAINERD)	NOTICE OF JOINT HEARING
)	
TRANSFER NO. 75341 IN THE NAME)	AND
OF ED SINNOTT)	
)	PRE-HEARING ORDER
TRANSFER NO. 75342 IN THE NAME)	
OF PETER AND ANTONIA BRECK)	
)	SOURCE: BIG WOOD RIVER/GROUNDWATER
)	
_____)	COUNTY: BLAINE

On December 2, 2009 the Department issued an Order Consolidating Proceedings. The Department has Granted Petitions to Intervene on December 2, 2009 and February 8, 2010, respectively. The Pre-Hearing Conference held on February 8, 2010 did not resolve the matters of protest.

NOTICE OF HEARING

THEREFORE, The Department has set the matter of protests for a Joint Hearing to commence at 10:00 a.m. on June 21 and June 22, 2010 in Rooms 301 and 302 of the Blaine County School Community Campus Building, 1050 Fox Acres Road; Hailey ID. Interim-Director, Gary Spackman, will conduct the hearing.

PRE-HEARING ORDER

IT IS THEREFORE, HEREBY ORDERED as follows:

The parties are authorized to engage in discovery commencing with the date of this order and complete by June 7, 2010.

Discovery shall be conducted pursuant to IDAPA Rules 37.01.01520-532 (Rules of Procedure 520 through 532). The parties are directed to answer or otherwise respond to discovery in accordance with the department's Rules of Procedure and the Idaho Rules of Civil Procedure, as appropriate. In accordance with Rule 520, the scope of discovery shall be governed by Rule 26(b) of the Idaho Rules of Civil Procedure, unless otherwise provided by statute, rule or order of the Director.

IT IS FURTHER ORDERED, pursuant to Rule of Procedure 37.01.01510 (Rule of Procedure 510) that each party will mail to **Interim Director, Gary Spackman, whose address is IDAHO WATER RESOURCES, PO BOX 83720; BOISE ID 83720-0098** and to the other parties of record the following information as prescribed below:

On or before May 14, 2010 a list of witnesses, including expert witnesses the party will call or rely on.

On or before May 14, 2010 copies of documents and proposed exhibits the party may offer at hearing.

On or before May 14, 2010 all Department of Water Resources staff memorandums requested by Interim-Director Spackman and finalized by staff will be available to all parties. Staff members will be available for questioning at the hearing. This shall not prohibit Interim-Director Spackman from requesting staff memorandums after said date.

IN ADDITION, IT IS NOTED that Interim-Director Spackman will take official notice of the hearing records and water right files for the existing minimum stream flow water rights held by the Idaho Water Resource Board on the Big Wood River.

Failure to comply with this Pre-Hearing Order is cause for the hearing officer to issue a Notice of Proposed Default to dismiss a party's pleading as provided in IDAPA 37.01.01700 (Rule of Procedure 700).

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved. **Only witnesses or exhibits properly disclosed will be considered at the hearing.**

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request.

The hearing will be conducted in a facility that meets 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 advise the department within (10) days prior to the conference.

Dated this 24th day of February, 2010.

A handwritten signature in black ink, appearing to read "Allen D. Merritt", is written above a horizontal line.

Allen D. Merritt, P.E.
Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of February, 2010 a true and correct copy of the above and foregoing Notice of Joint Hearing and Pre-Hearing Order was forwarded with all required charges prepared, by U.S. Mail, to the parties as listed:

Via Certified Mail:

JAMES P. SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

SOUTH COUNTY ESTATES
C/O JAMES R. LASKI
PO BOX 3310
KETCHUM ID 83340

CRAIG D. HOBDEY
HOBDEY LAW OFFICE
PO BOX 176
GOODING ID 83330

WOOD RIVER IRRIGATION DIS # 45
C/O ALBERT P. BARKER
BARKER ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE ID 83701-2139

MS SHASTA KILMINSTER-HADLEY
ID ATTORNEY GENERALS OFFICE
PO BOX 83720
BOISE ID 83720

TROUT UNLIMITED
C/O PETER R. ANDERSON
910 W MAIN STREET STE 342
BOISE ID 83702

Via Regular Mail:

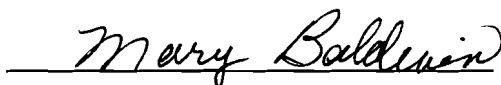
PAUL BRAINERD
2000 FIRST AVE # 2504
SEATTLE WA 98121

EDGAR L SINNOTT
PO BOX 3490
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BRECK FAMILY TRUST
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PO BOX 1604
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ATTN HELEN HARRINGTON
IDAHO WATER RESOURCE BOARD
PO BOX 83720
BOISE ID 83720

BROCKWAY ENGINEERING
2016 WASHINGTON ST NORTH # 4
TWIN FALLS ID 83301



Mary A. Baldwin
Administrative Assistant I