

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
PERMIT NO. 45-14194	)	NOTICE OF HEARING
	)	and
	)	PRE-HEARING ORDER
	)	
	)	SOURCE: Howell Creek
Earl Lavell Warthen,	)	
Applicant	)	
	)	COUNTY: Cassia
Blackjack Ranch,	)	
Protestant	)	
_____	)	

On March 10, 2009 Earl Lavell Warthen, (applicant) filed with the Department of Water Resources (department) Application for Permit No. 45-14194. The application was protested by Blackjack Ranch, c/o Dean Mahoney. The tele-conference held by the department on February 23, 2010 did not resolve the matter of protest.

The Department has scheduled the matter for hearing on **Tuesday - May 25, 2010 in the Idaho Department of Water Resources Conference Room, Southern Regional Office Building, 1341 Fillmore Street, Suite # 200; Twin Falls, Idaho commencing at 9:00 a.m. The presiding officer at the hearing will be Allen Merritt,**

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.

PRE-HEARING ORDER

IT IS HEREBY ORDERED, pursuant to Rule of Procedure 37.01.01510 (Rule of Procedure 510) that each party will mail to Allen Merritt, the hearing officer, at Idaho Department of Water Resources, Southern Regional Office, 1341 Fillmore Street, Suite # 200; Twin Falls, Idaho and to the other parties of record the following information as prescribed below:

On or before May 4, 2010 a list of witnesses, including expert witnesses the party will call or rely on.

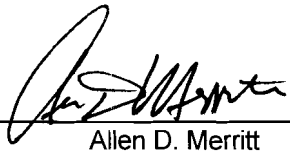
On or before May 4, 2010 copies of documents and proposed exhibits the party may offer at hearing.

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 hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on the following issues per Section 42-203A, Idaho Code.

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest in the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. For applications proposing to divert water from one watershed or local area into another, will the proposed use adversely affect the local economy of the watershed or local area where the source of water originates?

Dated this 24th day of February, 2010.



Allen D. Merritt
Southern Region Manager and Hearing Officer

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 Hearing and Pre-Hearing Order was forwarded with all required charges prepared, by U.S. Certified Mail to the parties listed:

EARL LAVELL WARTHEN
1047 SO HWY 77
ALBION ID 83311

BLACKJACK RANCH
C/O DEAN MAHONEY
123 15TH AVE
LEWISTON ID 83501

Via Regular U.S. Mail

ATTN Debbie Gibson
ID DEPT OF WATER RESOURCES
PO BOX 83720
BOISE ID 83720-0098


Mary A. Baldwin
Administrative Assistant I