

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER 71607 IN THE)
NAME OF 4 BROS. DAIRY, INC.)
_____)

PREHEARING ORDER

A prehearing conference in the above-referenced matter was held on May 13, 2005, in Twin Falls, Idaho. This Prehearing Order issues as a result of the discussions at the prehearing conference and pursuant to IDAPA 37.01.01.513, and shall control the course of these proceedings.

IT IS HEREBY ORDERED that the following shall apply to proceedings in this matter. Documents to be filed with the Department of Water Resources ("IDWR") and served on the parties must be filed and served in accordance with the rules of the IDWR on or before the days listed below.

Discovery

Discovery is authorized in this matter pursuant to IDAPA 37.01.01.521 and shall be completed pursuant to the schedule provided below. The only authorized forms of discovery are written interrogatories (written questions) and production requests (written requests for documents or other potential exhibits). Discovery requests need not conform with the format normally utilized in civil lawsuits. Parties should respond to all reasonable requests for information submitted by an opposing party. Failure to respond to reasonable requests for information may lead to delays in the hearing in this matter and/or the exclusion of the withheld information from the hearing. Motions to limit testimony based upon failure to disclose must be made at the hearing.

Schedule

The following schedule shall apply to this matter:

June 3, 2005: Initial discovery requests may be delivered to opposing parties.

June 17, 2005: Initial responses to discovery requests, if any, must be delivered to opposing parties.

July 8, 2005: Supplemental responses to discovery requests, providing any newly developed or discovered information, must be delivered to opposing parties.

July 14, 2005: Tentative date for evening prehearing conference in Shoshone, Idaho to discuss final hearing procedures.

July 22, 2005: Parties shall exchange on or before this date witness and exhibit lists, and copies of pre-marked exhibits. The parties shall use the following exhibit numbers:

4 Brothers Dairy, Inc: 1-99.

Lincoln Co. Rural Council: 100-199

Tews: 200-299

Blake/Buckway: 300-399

Westendorf: 400-499

Ashton: 500-599

Pantone: 600-699

Allbright: 700-799

July 28-29, 2005: Tentative date for a two day hearing in Shoshone, Idaho.

The precise times and locations of the July 14 and 28-29 hearings will be provided to the parties by notice from IDWR.

Request for Staff Memorandum

The Hearing Officer will request a staff memorandum from IDWR. Any such memorandum will be due on **July 8, 2005**.

Dated this 20th day of May, 2005.



Peter R. Anderson
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of May, 2005, the above and foregoing, was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

4 BROS. DAIRY INC
ANDREW FITZGERALD
427 N 250 W
SHOSHONE ID 83352

ROBERT WILLIAMS
FREDERICKSEN WILLIAMS
PO BOX 168
JEROME ID 83338-0168

CHARLES BROCKWAY PE PHD
BROCKWAY ENGINEERING
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

IDWR – SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301

ELIZABETH TEWS
680 N 350 W
SHOSHONE ID 83352

DOUG ALBRIGHT
675 N 150 W
SHOSHONE ID 83352

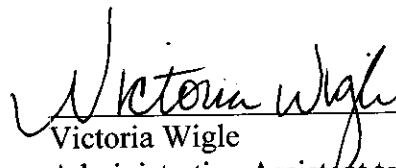
HENRY BLAKE
JA NENE BUCKWAY
585 N 250 W
SHOSHONE ID 83352

BEV ASHTON
685 N 250 W
SHOSHONE ID 83352

JERRY & SUSAN WESTENDORF
707 W 470 N
SHOSHONE ID 83352

RUSSELL & PAMELA PANTONE
745 N 550 W
SHOSHONE ID 83352

LINCOLN CO RURAL COUNCIL
C/O RICH CARLSON
PO BOX 21
FILER ID 83328


Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources