

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 72435

Big Sky Farms,

Applicant

Dean T. Dimond, Harold S. Dimond,
Richard Bullers, Cyrus Bullers,
James Stewart, Brenda Herrmann,
Dennis H. Dimond, Blaine E. Miller,
James Wyatt, Rita Ayers, & Lee Halper,

Protestants

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) NOTICE OF HEARING, ORDER AUTHORIZING
) DISCOVERY AND PRE-HEARING ORDER
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) SOURCE: Ground water
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) County: Jerome
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On February 16, 2006 Big Sky Farms (applicant), filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. The application was subsequently Amended on July 14, 2006. The Department has received a protest against the approval of said application from the above captioned protestants. The Pre-Hearing conference held on April 3, 2007 did not resolve the matter of the protests. Therefore, the Department should proceed with the setting of a hearing date.

NOTICE OF HEARING

PLEASE TAKE NOTICE that a formal hearing will be held on **Thursday – July 26, 2007 beginning at 9:00 a.m. (MDST)** in Jerome, Idaho at the offices of the Idaho Department of Fish & Game, located at 319 S 417 E (on Highway 93) phone number (208) 324-4359. If you plan to offer exhibits for the record at the hearing, note that Rule 606 of the Department's Rules of Procedure requires that a copy be provided to each party and to the presiding officer. The procedure for providing copies to the parties and the hearing officer is described in the pre-hearing order that follows this notice of hearing.

The presiding officer at the hearing will be Gary Spackman.

The hearing will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the Department. IDAPA 37.01.01. A copy of the rules may be obtained from the Department upon request.

The hearing will be conducted in accordance with 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 10 days prior to the hearing. Inquires about scheduling, hearing facilities, etc., should be directed to Deborah Gibson, Administrative Assistant, Idaho Department of Water Resources, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098 telephone: (208) 287-4942, fax: (208) 287-6700.

ORDER AUTHORIZING DISCOVERY AND PRE-HEARING ORDER

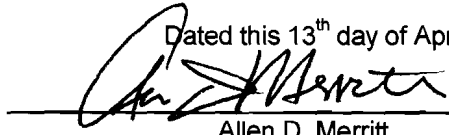
IT IS HEREBY ORDERED that the parties may engage in discovery as follows:

1. General discovery can begin immediately.
2. All written discovery requests shall be served on or before **June 15, 2007**. Answers to written discovery must be served on the requesting party within fourteen (14) days of service of the request. All responses to discovery shall be served on or before **June 29, 2007**.
3. Written requests for discovery must be either interrogatories or requests for documents. (Requests for admission are not allowed). No more than 10 interrogatories may be served by any party (or the attorney for several parties) on another party, and no more than 10 unanswered interrogatories served by any party (or the attorney for several parties) may be pending. Division of a single interrogatory into more than two sub-questions is not permissible.
4. All depositions shall be complete on or before **June 29, 2007**.
5. On or before **July 6, 2007** each party must disclose to all other parties, in writing, the identity of all expert witnesses that will or may testify at the hearing.

IT IS FURTHER ORDERED that, on or before **July 6, 2007**, each party seeking to offer exhibits at the hearing must physically serve (in the actual physical possession of the person being served) on all other parties and the hearing officer copies of exhibits that may be offered at the hearing. Service of the proposed exhibits will be the method of providing copies of exhibits to the parties as required by Rule 606

of the Rules of Procedure. All parties shall review the proposed exhibits prior to the hearing, and come to the hearing prepared to discuss whether each of the proposed exhibits should be admitted into evidence.

Copies of all exhibits can be served to the hearing officer, Gary Spackman at the Idaho Department of Water Resources, PO Box 83720; Boise ID 83720-0098.

Dated this 13th day of April, 2007

Allen D. Merritt
Regional Manager

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of April, 2007 a true and correct copy of the above and foregoing Notice of Hearing, Order Authorizing Discovery, and Pre-hearing Order were served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

DEBORAH GIBSON
ID DEPT OF WATER RESOURCES
PO BOX 83720
BOISE, IDAHO 83720-0098

DON MCFARLAND
BIG SKY FARMS LTD PTN
PO BOX 5178
TWIN FALLS ID 83303-5178

ROBERT E. WILLIAMS
FREDERICKSEN WILLIAMS & MESERVY
PO BOX 168
JEROME ID 83338

C E BROCKWAY P E
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

DEAN T DIMOND
EDEN DIMOND
1454 HWY 25
JEROME ID 83338

HAROLD S DIMOND
3059 S 1800 E
WENDELL ID 83355

RICHARD BULLERS
1482 HUNT RD
JEROME ID 83338

CYRUS BULLERS
1545 HWY 25
JEROME ID 83338

JAMES STEWART
292 S 1250 E
JEROME ID 83338

GARY SPACKMAN
ID DEPT OF WATER RESOURCES
PO BOX 83720
BOISE, IDAHO 83720-0098

BRENDA HERRMANN
274 S 1250 E
JEROME ID 83338

DENNIS H DIMOND
1424 HWY 25
JEROME ID 83338

BLAINE E MILLER
366 S 1700 E
JEROME ID 83338

JAMES LEROY WYATT
BRENDA WYATT
376 S 1100 E
JEROME ID 83338

RITA A. AYERS
267 S 1250 E
JEROME ID 83338

LEE JUSTUS HALPER
331S 230W
JEROME ID 83338

Courtesy Copy:

GARY FUNDERBURG
255 BLUE LAKES BLVD NORTH
PMB 617
TWIN FALLS ID 83301


Mary Baldwin, Administrative Assistant

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