

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR TRANSFER NOS. 72177 & 72178	)	
	)	
	)	JOINT NOTICE OF HEARING
	)	and Pre-Hearing Order
DIAMOND A LIVESTOCK INC.	)	
Applicants	)	
	)	
	)	SOURCE: Ground water
HEIDI OLSON, POLLY ANN HUGGINS,	)	
NICOLE REED, STEVE PAULIN, LE ANN REED,	)	
& CHRISTINE DAVIS	)	
Protestants	)	
	)	County: Gooding
	)	

On August 8, 2005 Diamond A Livestock Inc. (applicants), filed with the Department of Water Resources two applications to transfer the public waters of the State of Idaho. The Department has received a protest against the approval of said applications from the above captioned protestants. The Pre-Hearing conference held on January 10, 2006 did not resolve the matters of protests.

THEREFORE, The Department has set the matter for **hearing on Tuesday - June 13, 2006 commencing at 9:00 a.m. in the Council Chambers Room at the Jerome City Hall, 100 East Avenue "A".**

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 presiding officer at the hearing will be Gary Spackman.**

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

IT IS HEREBY ORDERED, pursuant to Rule of Procedure 37.01.01510 (Rule of Procedure 510) that each party will mail to Gary Spackman, the hearing officer, at Idaho Department of Water Resources, PO Box 83720; Boise ID 83706, and to the other parties of record the following information as prescribed below:

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.**

PRE-HEARING ORDER

IT IS FURTHER HEREBY ORDERED as follows:

1. The parties are authorized to engage in Discovery commencing with the date of this order. The parties shall mail out Discovery questions **by April 28, 2006** and respond in writing to all Discovery questions **on or before May 5, 2006.**

2. **On or before April 28, 2006** the parties shall file all motions requesting the Director to issue subpoenas.

3. On or before May 12, 2006 the parties shall exchange with the other parties and the hearing officer an initial list of proposed witnesses and copies of exhibits proposed to be offered at the hearing.

4. On or before June 2, 2006 the parties shall exchange with the other parties and the hearing officer the final list of proposed witnesses and copies of additional exhibits proposed to be offered at the hearing.

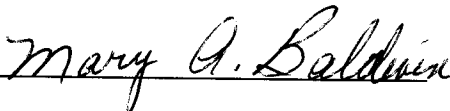
Failure to comply with this Pre-Hearing Order is cause for the hearing officer to issue a Notice of Proposed Default to dismiss a party's pleading as provided in IDAPA 37.01.01700 (Rule of Procedure 700).

Dated this 28th day of March, 2006.


Allen D. Merritt, P.E.
Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of March, 2006 a true and correct copy of the above and foregoing document was forwarded with all required charges prepared, by U.S. Certified Mail to the parties as listed:


Mary A. Baldwin
Administrative Assistant I

DIAMOND A LIVESTOCK INC
1997 S 1875 E
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