

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF)
APPLICATIONS FOR TRANSFER)
84488 AND 84490 IN THE NAME OF)
LCSC ENTERPRISES LLC)**

**NOTICE OF HEARING, NOTICE OF
STATUS CONFERENCE, AND
SCHEDULING ORDER**

NOTICE OF HEARING

On October 13, 2020, LCSC Enterprises LLC ("LCSC") filed Applications for Transfer 84488 and 84490 with the Idaho Department of Water Resources ("Department"). A protest against each application was filed by Idaho Power Company ("IPC") and a joint protest against each application was filed by A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, Twin Falls Canal Company, American Falls Reservoir District #2 and Minidoka Irrigation District (collectively "Coalition"). Consistent with Rule 555 of the Department's Rules of Procedure (IDAPA 37.01.01), Applications 84488 and 84490 will be consolidated for hearing. The applications present similar issues and the parties are identical. Further, the rights of the parties will not be prejudiced if the applications are consolidated into a single proceeding.

The Department has conducted several settlement conferences and status conferences for these contested cases. On December 1, 2021, the hearing officer for the Department issued an *Interlocutory Order Deciding Question of Law*. On December 19, 2024, the Department held a pre-hearing conference and the parties requested that an administrative hearing be scheduled.

The Department has scheduled these consolidated cases for hearing on **September 23 and 24, 2025, beginning at 9:00 am, at the Idaho Department of Water Resources Eastern Regional Office**, located at 900 N Skyline Drive, Idaho Falls, ID 83402.

The presiding officer at the hearing will be James Cefalo, whose mailing address is 900 N. Skyline Dr., Ste A, Idaho Falls, ID 83402-1718. The presiding officer authorizes the parties to serve documents by email.

The hearing will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the Department's Rules of Procedure (IDAPA 37.01.01), and the Department's Water Appropriation Rules (IDAPA 37.03.08). A copy of the code and rules may be obtained from the department's website, www.idwr.idaho.gov, or upon request.

All parties appearing in the matter will have the opportunity to present information, examine witnesses, and provide argument on issues related to the contested application.

The hearing will be conducted in a facility that satisfies 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 notify the department at least (10) days prior to the hearing. Inquiries about scheduling or hearing facilities should be directed to Christina Henman at (208) 525-7161.

NOTICE OF STATUS CONFERENCE

NOTICE IS HEREBY GIVEN that department has scheduled a status conference for these consolidated cases to be held via Webex on **September 16, 2025, at 9:00 am**. The applicant and protestant(s) must attend.

Please use the following numbers to participate via Webex. Participation options are detailed on a separate document included with this notice.

Meeting number (access code): 2866 877 7461

Meeting password: 2025

The status conference will be held in accordance with 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 of Procedure may be obtained from the Department upon request.

The status conference will be conducted in a facility that satisfies 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 contact Christina Henman at (208) 525-7161, no later than five days prior to the conference.

SCHEDULING ORDER

1. Discovery may begin immediately. Written discovery requests must be filed on or before March 31, 2025.
2. Responses to written discovery must be served on the requesting party within 30 days of the discovery request. Therefore, written discovery will be completed by April 30, 2025.
3. Expert Reports, if any are prepared, must be served on the other parties and the hearing officer on or before April 30, 2025. Any expert called to testify at hearing must provide either an expert report or a rebuttal expert report setting forth their expert opinion.
4. Rebuttal expert reports, if any are prepared, must be served on the other parties and the hearing officer on or before May 30, 2025.
5. Depositions of expert or lay witnesses must be completed on or before June 30, 2025.
6. Dispositive motions, if any are prepared, must be filed on or before August 1, 2025.
7. On or before September 12, 2025, each party must disclose to all other parties and the

hearing officer, in writing, the identity of all witnesses that may testify for the party at the hearing and provide a copy of all proposed exhibits. These documents may be served electronically, but the parties must bring two extra copies of the proposed exhibits to the hearing (one copy for the witness stand and one copy for the hearing officer).

8. To avoid duplication of exhibit numbers, the parties should use the following numbers for proposed exhibits:

Applicant LCSC
Protestant Coalition
Protestant IPC

Exhibits 1-100
Exhibits 101-200
Exhibits 201-300

Dated this 13th day of January 2025



James Cefalo
Presiding Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of January 2025, true and correct copies of the documents described below were served upon the following persons and entities by the method indicated:

Document Served: Notice of Hearing, Notice of Status Conference, and Scheduling Order

LCSC ENTERPRISES LLC 433 LAS COLINAS BLVD E STE 1290 IRVING, TX 75039 <i>Applicant</i>	☒ U.S. Mail, certified with return receipt requested, postage prepaid
JASON C HELMS 6755 N ALBERT LN IDAHO FALLS, ID 83401 jasoncivil@alumni.nd.edu <i>Applicant's Representative</i>	☒ U.S. Mail, postage prepaid ☒ Email
ROBERT L HARRIS HOLDEN KIDWELL HAHN & CRAPO PO BOX 50130 IDAHO FALLS, ID 83402 rharris@holdenlegal.com <i>Applicant's Representative</i>	☒ U.S. Mail, certified with return receipt requested, postage prepaid ☒ Email
A&B IRRIGATION DISTRICT BURLEY IRRIGATION DISTRICT MILNER IRRIGATION DISTRICT NORTH SIDE CANAL COMPANY TWIN FALLS CANAL COMPANY MARTEN LAW LLP 163 SECOND AVE WEST PO BOX 63 TWIN FALLS, ID 83303 tthompson@martenlaw.com abitzenburg@martenlaw.com <i>Protestants</i>	☒ U.S. Mail, certified with return receipt requested, postage prepaid ☒ Email
AMERICAN FALLS RESERVOIR DIST #2 MINIDOKA IRRIGATION DISTRICT NORMAN M SEMANKO PARSONS BEHLE & LATIMER 800 W MAIN STREET, STE 1300 BOISE, ID 83702 nsemanko@parsonsbehle.com <i>Protestants</i>	☒ U.S. Mail, certified with return receipt requested, postage prepaid ☒ Email

IDAHO POWER COMPANY C/O SCOTT N PUGRUD 1221 W IDAHO ST PO BOX 70 BOISE, ID 83707 <u>Spugrud2@idahopower.com</u>	☒ U.S. Mail, postage prepaid ☒ Email
<i>Protestant</i> JOHN K SIMPSON MARTEN LAW 101 S CAPITOL BLVD., STE 305 PO BOX 2139 BOISE, ID 83701 <u>jsimpson@martenlaw.com</u>	☒ U.S. Mail, certified with return receipt requested, postage prepaid ☒ Email
<i>Protestant's Representative</i>	



Christina Henman
Administrative Assistant

TO USE WEBEX

Meeting number (access code): 2866 877 7461

Meeting password: 2025

Using Your Computer:

- Calendar invitations were sent to email addresses provided. Simply click the link included to join the meeting, and follow on-screen instructions.

Using the Mobile app:

- Download WebEx Meetings to your mobile device. (App is free.)
- Click Join Meeting.
- Enter Meeting number, your name, and email address.
- Click 'join'.
 - If you intend to share documents, maps, images, etc. please ensure that you have granted the WebEx app the appropriate permissions to access those documents before the meeting.

Using Your Telephone: (No video or internet required)

- Call 1-415-655-0001
- Follow Prompts

More options are included in the emailed link. If you have any questions, need a copy of the invitation sent to another email address, or otherwise need the link, feel free to contact Christina Henman at (208) 525-7161 or christina.henman@idwr.idaho.gov.