

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

**IN THE MATTER OF APPLICATION)
FOR TRANSFER 89297 IN THE)
NAME OF PANCHERI INC. _____)**

**NOTICE OF HEARING AND
SCHEDULING ORDER**

NOTICE OF HEARING

On August 28, 2024, Pancheri Inc. ("Pancheri") filed Application for Transfer 89297 with the Idaho Department of Water Resources ("Department"). Protests were filed by Roy Sermon, Craig and Suzie Barnes, Hawley Land and Livestock, Isham Farms Inc., Woodie Land and Livestock, and Dean and Marcheta Mays.

The Department conducted an informal settlement conference on November 21, 2024, and a prehearing conference on January 8, 2025. Craig and Suzie Barnes, Isham Farms Inc. and Dean and Marcheta Mays failed to appear at the prehearing conference. The Department has issued a notice of proposed default for the parties who failed to appear. During the prehearing conference, the parties asked the Department to schedule an administrative hearing to decide the contested case.

The Department has scheduled this matter for hearing on **June 11 and 12, 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.

SCHEDULING ORDER

1. Discovery may begin immediately. Written discovery requests must be filed on or before February 7, 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 March 9, 2025.
3. Expert Reports, if any are prepared, must be served on the other parties and the hearing officer on or before February 14, 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 March 31, 2025.
5. Depositions of expert or lay witnesses must be completed on or before April 30, 2025.
6. On or before May 30, 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).
7. To avoid duplication of exhibit numbers, the parties should use the following numbers for proposed exhibits:

Applicant Pancheri	Exhibits 1-100
Protestant Roy Sermon	Exhibits 101-200
Protestant Hawley L&L	Exhibits 201-300
Protestant Woodie L&L	Exhibits 301-400

Dated this 13th day of January 2025



James Cefalo
Presiding Officer

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

**IN THE MATTER OF APPLICATION)
FOR TRANSFER 89297 IN THE)
NAME OF PANCHERI INC.)**

**NOTICE OF PROPOSED
DEFAULT ORDER**

On August 28, 2024, Pancheri Inc. ("Pancheri") filed Application for Transfer 89297 with the Idaho Department of Water Resources ("Department"). Protests were filed by Roy Sermon, Craig and Suzie Barnes ("Barnes"), Hawley Land and Livestock, Isham Farms Inc. ("Isham"), Woodie Land and Livestock, and Dean and Marcheta Mays ("Mays").

The Department conducted an informal settlement conference on November 21, 2024, and a prehearing conference on January 8, 2025. Barnes, Isham, and Mays failed to appear at the prehearing conference.

Rule 700 of the Department's Rules of Procedure (IDAPA 37.01.01) states:

If a party fails to appear at the time and place set for hearing, prehearing conference, status conference, or informal settlement conference, or fails to respond to a written information inquiry, the agency may serve upon all parties a notice of a proposed default against the absent or non-responsive party. The notice of a proposed default order shall include a statement that the default order is proposed to be issued because of a failure of the subject party to appear at the time and place set for hearing or prehearing conference, or informal settlement conference or to respond to an information inquiry. The notice of proposed default order shall be served consistent with Rule 53.

Rule 701 of the Department's Rules of Procedure states:

Within seven (7) days after the service of the notice of proposed default order, the party against whom it was filed may file a written petition requesting that a default order not be entered. The petition must state the grounds why the petitioning party believes that default should not be entered.

Rule 702 of the Department's Rules of Procedure states:

The agency shall promptly issue a default order or withdraw the notice of proposed default order after expiration of the seven (7) day time period to file a petition challenging the proposed default order. If a default order is issued, all further proceedings necessary to complete the contested case shall be

conducted without participation of the party in default. All issues in the contested case shall be determined, including those affecting the defaulting party.

PROPOSED DEFAULT ORDER

Because Barnes, Isham, and Mays failed to appear at the time and place set for the prehearing conference, the Department proposes issuing the following default order:

IT IS HEREBY ORDERED that Craig and Suzie Barnes, Isham Farms Inc., and Dean and Marcheta Mays are dismissed as parties to the contested case for Application for Transfer 89297.

RIGHT TO CHALLENGE

Pursuant to IDAPA 37.01.01.701, Barnes, Isham, and Mays have seven days after the service of this *Notice of Proposed Default Order* to file a written petition requesting that they not be dismissed from the contested case. The petition must state the grounds why the petitioner believes the default order should not be issued.

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:

Documents Served: Notice of Hearing and Scheduling Order
 Notice of Proposed Default Order

PANCHERI INC 1494 HWY 33 HOWE, ID 83244 rpancheri@gmail.com <i>Applicant</i>	☒ U.S. Mail, certified with return receipt requested, postage prepaid ☒ Email
ROCKY MOUNTAIN ENVIRONMENTAL C/O KRISTIN MOORE 482 CONSTITUTION WAY IDAHO FALLS, ID 83402 kristin.rmea@gmail.com <i>Applicants Representative</i>	☒ U.S. Mail, certified with return receipt requested, postage prepaid ☒ Email
HOLDEN KIDWELL HAHN & CRAPO C/O ROBERT L HARRIS PO BOX 50130 IDAHO FALLS, ID 83402 rharris@holdenlegal.com <i>Applicants Representative</i>	☒ U.S. Mail, certified with return receipt requested, postage prepaid ☒ Email
ROY SERMON 1575 W 3600 N HOWE, ID 83244 Roy.sermon@gmail.com <i>Protestant</i>	☒ U.S. Mail, certified with return receipt requested, postage prepaid ☒ Email
CRAIG & SUZIE BARNES 1572 W 3600 N HOWE, ID 83244 Crg347@gmail.com <i>Protestant</i>	☒ U.S. Mail, certified with return receipt requested, postage prepaid ☒ Email
HAWLEY LAND AND LIVESTOCK JEFF HAWLEY 3895 N LITTLE LOST RIVER HWY HOWE, ID 83244 <i>Protestant</i>	☒ U.S. Mail, certified with return receipt requested, postage prepaid

ISHAM FARMS INC C/O DARREN ISHAM 1294 W 3800 N HOWE, ID 83244 Dsisham24@gmail.com <i>Protestant</i>	☒ U.S. Mail, certified with return receipt requested, postage prepaid ☒ Email
WOODIE LAND & LIVESTOCK 1293 W 3700 N HOWE, ID 83244 Tmacaffee123@gmail.com <i>Protestant</i>	☒ U.S. Mail, certified with return receipt requested, postage prepaid ☒ Email
DEAN & MARCHETA MAYS 1441 HWY 33 HOWE, ID 83244 <i>Protestant</i>	☒ U.S. Mail, certified with return receipt requested, postage prepaid

Christina Henman
Administrative Assistant