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

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 87701 IN THE
NAME OF GARDNER FARMS

**APPLICANT'S RESPONSE TO IDAHO
POWER COMPANY'S EXCEPTIONS TO
PRELIMINARY ORDER APPROVING
TRANSFER AND BRIEF IN SUPPORT OF
EXCEPTIONS**

Gardner Farms ("Gardner" or "Applicant"), by and through its counsel of record, Darrington Law, PLLC, hereby submits *Applicant's Response to Idaho Power Company's Exceptions to Preliminary Order Approving Transfer and Brief in Support of Exceptions*.

On May 9th, 2024, Idaho Power Company ("IPC") submitted *Idaho Power Company's Exceptions to Preliminary Order Approving Transfer and Brief in Support of Exceptions* ("The Exceptions Brief") in response to Hearing Officer James Cefalos's (the "Hearing Officer") *Preliminary Order Approving Transfer* and his subsequent denial of IPC's *Petition for Reconsideration*.

The Exceptions Brief does not raise any new arguments that have not already been addressed by Gardner Farms and/or the Hearing Officer. Furthermore, the parties agree that there are no disputed facts, and have stipulated to the facts of this contested case. Rather, IPC's disputes

are with the application of Idaho law and IDWR policies—a fact which IPC acknowledges in the Exceptions Brief: “The Company has historically raised protests with the Department regarding the Approval of transfers which increased depletions in reaches of the Snake River, arguing that such increases and any approvals were inconsistent with moratorium orders issued by the Department and Idaho law.” *Idaho Power Company’s Exceptions to Preliminary Order Approving Transfer and Brief in Support of Exceptions* at 3.

Because there are no disputed facts, and because IPC’s disputes are with the application of Idaho Law and IDWR policies by the Hearing Officer, and furthermore, because IPC’s arguments have already been addressed by the Hearing Officer, Gardner Farms has nothing further to add. Gardner Farms reserves the right to provide further briefing should the Director request it.

Submitted this 23rd day of May, 2024.



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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May, 2024, I served a true and correct copy of the following described pleading or document on the attorneys and/or individuals listed below by the method(s) indicated.

DOCUMENT SERVED: APPLICANT'S RESPONSE TO IDAHO POWER COMPANY'S EXCEPTIONS TO PRELIMINARY ORDER APPROVING TRANSFER AND BRIEF IN SUPPORT OF EXCEPTIONS

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