

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

**IN THE MATTER OF APPLICATION
FOR TRANSFER 87484 IN THE NAME
OF MOSS FARMS INC.**

)
) **NOTICE OF HEARING AND**
) **SCHEDULING ORDER**
)
)

NOTICE OF HEARING

On January 24, 2023, Moss Farms, Inc. filed Application for Transfer No. 87484 with the Idaho Department of Water Resources ("department"). Protests were filed by John and Jane Francis, Byron Pehrson, Nelson Mackay Ranch, Randy Pehrson, and Upper Big Lost River Groundwater Association. An informal settlement conference was held on April 19, 2023. Nelson Mackay Ranch withdrew its protest on June 28, 2023.

On July 18, 2023, the department conducted a pre-hearing conference. The department has now scheduled this matter for hearing on **January 9-11, 2024, beginning at 9:00 am, at the Butte County Business Center**, Conference Room 203; located at 159 N Idaho St., Arco, ID 83213.

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 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. Consistent with Rule 53 of the department's Rules of Procedure (IDAPA 37.01.01), the presiding officer authorizes the parties to serve documents for this contested case by email. Documents sent to the department should be sent to the official service email address: file@idwr.idaho.gov
2. Discovery may begin immediately. Written discovery requests must be filed on or before August 15, 2023.
3. 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 September 15, 2023.
4. Expert Reports from the Applicant Moss Farms Inc., if any are prepared, must be served on the other parties and the hearing officer on or before September 29, 2023.
5. Expert Reports from the Protestants, if any are prepared, must be served on the other parties and the hearing officer on or before November 1, 2023.
6. Depositions of expert and lay witnesses must be completed on or before December 15, 2023.
7. On or before December 22, 2023, 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, including any rebuttal expert reports. 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 Moss Farms.....Exhibits 1-100
Protestant Upper Big Lost River
Groundwater Association.....Exhibits 101-200
Protestant Byron Pehrson.....Exhibits 201-300
Protestant Randy Pehrson.....Exhibits 301-400
Protestants John and Jane Francis..... Exhibits 401-500

Dated this 24th day of July, 2023



James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of July, 2023, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, certified mail with return receipt requested, postage prepaid and properly addressed to the following:

Document Served: Notice of Hearing and Scheduling Order

CERTIFIED MAIL

MOSS FARMS INC
3286 N 3350 W
MOORE, ID 83255
Mx222moss@aol.com

BYRON PEHRSON
3820 N 3580 W
MOORE, ID 83255
208-589-2221

OLSEN TAGGART PLLC
C/O SKYLAR JOHNS
PO BOX 3005
IDAHO FALLS, ID 83403
sjohns@olsentaggart.com
mcastro@olsentaggart.com

RANDY PEHRSON
4445 BEVERLAND LN
MACKEY, ID 83251
rdpehrson@yahoo.com

ROCKY MOUNTAIN
ENVIRONMENTAL ASSOCIATES INC.
C/O KRISTIN MOORE
482 CONSTITUTION WAY, STE 303
IDAHO FALLS, ID 83402
Kristin.rmea@gmail.com

UPPER BIG LOST RIVER
GROUNDWATER ASSOCIATION
C/O LOY PEHRSON
BOX 122
MACKAY, ID 83251

JOHN & JANE FRANCIS
3986 N 3700 W
MOORE, ID 83251
Jafrancis307@gmail.com

HAMMERLE LAW PLLC
C/O FRITZ HAMMERLE
PO BOX 1800
HAILEY, ID 83333
haemmerlefilings@gmail.com

Courtesy Copies were also served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

NELSON MACKAY RANCH
C/O RANDY NELSON
9989 N HWY 93
MACKAY, ID 83251
Tricountysupply@gmail.com



Christina Henman
Administrative Assistant