

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

**IN THE MATTER OF APPLICATIONS
FOR TRANSFER 86942 AND 86951 IN
THE NAME OF ROHN R. AND LORI A.
NELSON**

**NOTICE OF HEARING AND
SCHEDULING ORDER**

NOTICE OF HEARING

On August 18, 2022, Rohn R. and Lori A. Nelson filed Applications for Transfer 86942 and 86951 with the Idaho Department of Water Resources ("Department"). M. Gene Bair filed a protest against Application 86942. Phil Moulton, Kirk Klemmer and Fred Payne each filed protests against both applications. The Department conducted an informal settlement conference on December 20, 2022. Applicants Rohn and Lori Nelson were represented by attorney Rob Harris. Protestants were represented by attorney Fred Snook.

On January 11, 2023, the Department conducted a pre-hearing conference. The parties requested that the Department schedule an administrative hearing to decide the contested cases. The Department has scheduled these consolidated cases for hearing on **May 23-24, 2023, beginning at 9:00 am, at the Idaho Department of Fish and Game Salmon Office**, located at 99 Hwy 93 North, Salmon, ID 83467.

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. Discovery may begin immediately. Written discovery requests must be filed on or before February 10, 2023.
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 13, 2023.
3. Expert Reports, if any are prepared, must be served on the other parties and the hearing officer on or before March 24, 2023.
4. On or before May 9, 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. 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.)
5. To avoid duplication of exhibit numbers, the parties should use the following numbers for proposed exhibits:

Applicants
Protestants

Exhibits 1-100
Exhibits 101-200

Dated this 25th day of January, 2023



James Cefalo
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of January, 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 Applications for Transfer 86942 and 86951

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