

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

IN THE MATTER OF DISTRIBUTION OF WATER)
TO WATER RIGHTS NOS. 36-02356A, 36-07210,)
AND 36-07427)

Blue Lakes Delivery Call))
_____)

IN THE MATTER OF DISTRIBUTION OF WATER)
TO WATER RIGHTS NOS. 36-04013A, 36-04013B,)
AND 36-07148 (SNAKE RIVER FARM))

**(Clear Springs, Snake River)
Farm Delivery Call)**)
_____)

**ORDER GRANTING
DAIRYMEN’S PETITION
FOR RECONSIDERATION
TO ALLOW TIME FOR
FURTHER REVIEW**

On July 5, 2007, the Director of the Department of Water Resources (“Director” or “Department”) issued separate orders in the above-entitled matters approving the replacement water plan of the Idaho Dairymen’s Association (“IDA”). *Order Approving Dairymen’s and IGWA’s 2007 Replacement Water Plans, Rescinding 2007 Curtailment, and Setting Hearing and Prehearing Schedule* for the Blue Lakes Delivery Call and the Clear Springs, Snake River Farm Delivery Call (hereinafter “July 5 Orders”). The July 5 Orders were final orders of the Department. Because the July 5 Orders were issued before an opportunity for hearing, the Orders provided that all aspects of the orders shall be subject to review at the Department hearing in these matters (now scheduled for November 28, 2007). *See* July 5 Orders at 12.

IDA filed a timely petition for reconsideration of the July 5 Orders on July 19, 2007. *Petition for Reconsideration of Order Approving Dairymen’s and IGWA’s 2007 Replacement Water Plans, Rescinding 2007 Curtailment, and Setting Hearing and Prehearing Schedule* (“Petition”). Department Rule of Procedure 740.02.a provides that any party may file a petition for reconsideration within fourteen (14) days of the service date of a final order. IDAPA 37.01.01.740.02.a. The rule further provides, “The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *Id.*”

IDA filed its Petition on July 19, 2007, and it will be deemed denied by operation of law if not acted by the Department by August 9, 2007. Because the Department requires additional time to review the merits of the Petition, the Director shall grant IDA’s Petition for the sole purpose of allowing additional time for the agency to respond to the Petition. A further order responding to the merits of the Petition will issue within ten (10) days of the date of this order.

ORDER

Based upon and consistent with the foregoing, IT IS SO ORDERED.

Dated this 7th day of August, 2007.



DAVID R. TUTHILL, JR.

Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of August 2007, the above and foregoing, was served by the method indicated below, and addressed to the following:

RANDY BUDGE
CANDICE M. MCHUGH
RACINE OLSON
PO BOX 1391
POCATELLO ID 83204-1391
rcb@racinelaw.net
cmm@racinelaw.net

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

JOHN SIMPSON
BARKER ROSHOLT
PO BOX 2139
BOISE ID 83701-2139
(208) 344-6034
jks@idahowaters.com

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

DANIEL V. STEENSON
CHARLES L. HONSINGER
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773
(208) 342-4657
dvs@ringertclark.com
clh@ringertclark.com

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

MIKE CREAMER
JEFF FEREDAY
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701-2720
(208) 388-1300
mcc@givenspursley.com
jeffereday@givenspursley.com

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

MICHAEL S. GILMORE
ATTORNEY GENERAL'S OFFICE
PO BOX 83720
BOISE ID 83720-0010
(208) 334-2830
mike.gilmore@ag.idaho.gov

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

COURTESY COPIES:

LARRY COPE
CLEAR SPRINGS FOODS, INC.
PO BOX 712
BUHL ID 83303-1237
(208) 543-5608

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

GREGORY KASLO
BLUE LAKES TROUT FARM
PO BOX 72
BUHL ID 83316-0072
(208) 543-8476
gkaslo@rmci.net

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

NORTH SNAKE GWD
152 EAST MAIN STREET
JEROME ID 83338
(208) 388-1300

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

MAGIC VALLEY GWD
809 EAST 1000 NORTH
RUPERT ID 83350-9537

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

FRANK ERWIN
WATERMASTER
WATER DIST 36
2628 SOUTH 975 EAST
HAGERMAN ID 83332

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

BOB SHAFFER
WATERMASTER
WATER DIST 34
PO BOX 53
MACKAY ID 83251

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

ALLEN MERRITT
CINDY YENTER
WATERMASTER - WD 130
IDWR – SOUTHERN REGION
1341 FILLMORE STREET SUITE 200
TWIN FALLS ID 83301-3380
(208) 736-3037
allen.merritt@idwr.idaho.gov
cindy.yenter@idwr.idaho.gov

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail



Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources