

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

IN THE MATTER OF THE PETITION FOR)	
DELIVERY CALL OF A&B IRRIGATION)	ORDER REGARDING
DISTRICT FOR THE DELIVERY OF GROUND)	PRELIMINARY FINDINGS
WATER AND FOR THE CREATION OF A)	OF FACT AND INTENT TO
GROUND WATER MANAGEMENT AREA)	REMAIN A PARTY
)	
)	

On October 19, 2007 the Director of the Idaho Department of Water Resources (“Director” or “Department”) lifted the stay governing A&B Irrigation District’s (“A&B”) 1994 delivery call ordered in the *Pre-Hearing Conference Order* of May 1, 1995. The Department served notice of the lifting of the stay on the parties and the parties were informed that a hearing in this matter is scheduled to begin on March 18, 2008.

Preliminary Findings of Fact

Given the complexities of the factual determinations that must be made in determining material injury and the extent of the hydraulic connection between the ground water supplies beneath A&B and other areas of the Eastern Snake Plain Aquifer, the Director is requested to submit by January 15, 2008 a report containing preliminary findings of fact. The preliminary findings of fact are intended to provide the parties and the hearing officer with the Department’s current understanding of the facts relevant to A&B’s delivery call. The Director also is requested to identify the Department employees or agents who participated in the preparation of the substantive preliminary findings and who are available for deposition and to serve as potential witnesses at the hearing consistent with Department Rule of Procedure 602, IDAPA 37.01.01.602. Additionally, the Director is requested to make available to the parties copies of all documents relied upon in the preparation of the preliminary findings of fact. Parties may file written responses to the preliminary findings of fact no later than March 5, 2008.

Intent to Remain a Party

Given the passage of thirteen years between when A&B filed its delivery call in 1994 and the Director’s order lifting the stay governing the delivery call, parties who wish to participate in this matter must file a notice of intent to participate. The notice of intent to participate must be filed with the Department within fourteen (14) days of the date of this Order. Failure to respond affirmatively in writing within fourteen (14) days of the date of this Order will be deemed an intent not to continue as a party in this matter. **The notice of intent to participate must identify the proceeding for the A&B Delivery Call described in the above caption and must be addressed to the Director at the Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098.**

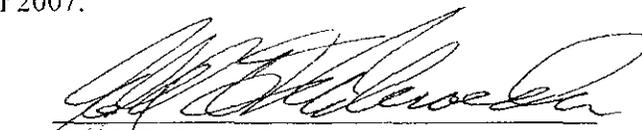
10-26-07

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED as follows:

1. The Director is requested to submit by January 15, 2008 a report containing preliminary findings of fact in response to the A&B Irrigation District's delivery call and to identify the Department employees or agents who participated in the preparation of the substantive preliminary findings of fact and who are available for deposition and to serve as potential witnesses at the hearing.
2. The Director is further requested to make available to the parties copies of all documents relied upon in the preparation of the preliminary findings of fact, which may be by CD ROM disk or other method.
3. In order to remain a party in the above-captioned matter, an affirmative statement of intent to remain a party must be filed with the Department within fourteen (14) days of the date of this Order. Failure to respond affirmatively in writing to the Department within fourteen (14) days of the date of this Order shall be deemed an intent not to continue as a party in this matter. **The notice of intent must be addressed to the Director at the Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098.**

Dated this 26 day of October 2007.



Gerald F. Schroeder
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26 day of October 2007, the above and foregoing, ORDER REGARDING PRELIMINARY FINDINGS OF FACT AND INTENT TO REMAIN A PARTY was served by placing a true and correct copy via U.S. Mail Prepaid, and addressed to the following:

Please see attached list.

Karen Wood
Karen Wood
Administrative Assistant
Idaho Department of Water Resources