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August 7, 2019

Director Gary Spackman
Idaho Department of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Idaho 83720-0098

Re: In the Matter of Designating the Eastern Snake Plain Aquifer Ground Water Management Area (Dkt. Nos. AA-GWMA-2016-001, P-DR-2016-001)

Dear Director Spackman:

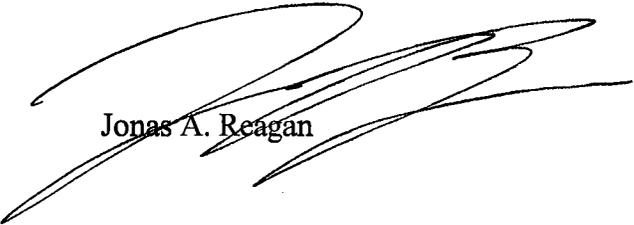
I am writing on behalf of our client members of the Surface Water Coalition (“SWC”) with respect to the above-referenced matters. Based on the July 11, 2019 status conference for Dkt. No. AA-GWMA-2016-001, we are seeking further clarification regarding the status of Sun Valley Company’s (“SVC”) *Petition for Declaratory Ruling*. In the January 17, 2017 Order regarding SVC’s November 16, 2016 *Petition Requesting a Hearing on Order Denying Petition for Declaratory Rule*, IDWR stayed the proceeding, and there has been no significant action taken since.

SVC’s original *Petition for Declaratory Ruling* was denied because the “issuance of the Order [designating the ESPA GWMA, dated November 2, 2016] create[d] a forum for Sun Valley Company to address the issues raised in the *Petitions* and practical considerations of efficient and expediency necessitate that issues raise in the *Petitions* be addressed through the normal administrative review process and not the declaratory ruling process.” *Sun Valley Company’s Petition for Declaratory Ruling Regarding Creation of ESPA Ground Water Management Area*, Dkt. No. P-DR-2016-001, ¶ 9 (Nov. 4, 2016). The proper forum was, and is the ongoing matter AA-GWMA-2016-001. Since the Department has allowed the intervenors to advance in the proper forum, absent SVC (which the SWC reserves all rights to further challenge on judicial review if necessary), the Department should formally close the case or dismiss the petition that was filed in Dkt. No. P-DR-2016-001.

In sum, we see no need to have the declaratory ruling case remain active before IDWR and would ask that you confirm the case is closed or dismissed. Please call me at 733-0700 if you have any questions concerning this request. Thank you for your attention to this matter.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP



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