

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

IN THE MATTER OF DISTRIBUTION OF WATER)
TO VARIOUS WATER RIGHTS HELD BY OR FOR)
THE BENEFIT OF A&B IRRIGATION DISTRICT,)
AMERICAN FALLS RESERVOIR DISTRICT #2,) **ORDER LIMITING SCOPE**
BURLEY IRRIGATION DISTRICT, MILNER) **OF EVIDENCE AND**
IRRIGATION DISTRICT, MINIDOKA IRRIGATION) **OFFERING WITNESSES**
DISTRICT, NORTH SIDE CANAL COMPANY,) **(Methodology Order)**
AND TWIN FALLS CANAL COMPANY)
_____)

The interim director of the Idaho Department of Water Resources (“Department”) scheduled a hearing to begin on May 24, 2010 for the *Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover*, dated April 7, 2010 (“Methodology Order”). On May 10, 2010, the interim director issued a *Notice of Hearing Regarding 2008 Data* for the Methodology Order.

On May 20, 2010, Idaho Ground Water Appropriators (“IGWA”) and the City of Pocatello requested the attendance of the following IDWR employees at the hearing to be available as witnesses: Lyle Swank, Tony Olenichak, Allan Wylie, Mathew Weaver, and Elizabeth Cresto.

The previous director’s final order determining injury is on appeal. The interim director issued the Methodology Order in response to a directive from the appellate judge to issue a Methodology Order that can be merged with the injury order. Because the 2008 data was not in the record, the interim director granted a hearing for the focused purpose of allowing the parties to contest and rebut the 2008 data.

Mathew Weaver is familiar with the 2008 data. While Lyle Swank, Tony Olenichak, and Liz Cresto may also be familiar with the data, their testimony on this subject would be repetitive. Allan Wylie is a ground water modeler, and is not an appropriate witness to address questions about the 2008 data.

ORDER

IT IS HEREBY ORDERED that the evidence presented at the hearing for the Methodology Order shall be limited to information that would contest or rebut the 2008 data.

IT IS FURTHER ORDERED that Mathew Weaver shall be available to present evidence and testimony and be subject to examination at the hearing.

IT IS FURTHER ORDERED that the request for other Department witnesses at the hearing is **Denied**.

Dated this 21st day of May, 2010.


Gary Spackman
Interim Director

CERTIFICATE OF SERVICE

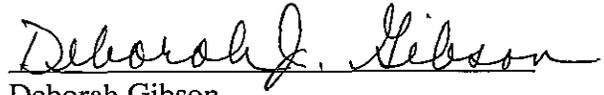
I HEREBY CERTIFY that on this 21st day of May, 2010, the above and foregoing, was served by the method indicated below, and addressed to the following:

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