

**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))	ORDER GRANTING
)	REQUEST FOR HEARING
IN THE MATTER OF DISTRIBUTION OF WATER)	AND SCHEDULING
TO WATER RIGHTS NOS. 36-04013A, 36-04013B,)	PREHEARING CONFERENCE
AND 36-07148.)	
)	
(Clear Springs Delivery Call))	
)	
_____)	

On July 20, 2010, Interim Director Gary Spackman (“Director”) of the Idaho Department of Water Resources (“Department”) issued his *Final Order* regarding the issue of seasonal variability and injury to Blue Lakes Trout Farm, Inc.’s (“Blue Lakes”) water right no. 36-7210 and Clear Springs Foods, Inc.’s (“Clear Springs”) water right no. 36-4013A.

On July 29, 2010, the Department received *Petition Requesting Hearing on July 19, 2010 Final Order* from Blue Lakes.

On August 2, 2010, the Department received *Petition Requesting Hearing on July 19, 2010 Final Order* from Clear Springs.

On August 2, 2010, the Department received *Ground Water Users’ Petition for Reconsideration and Request for Hearing* filed by Idaho Ground Water Appropriators, Inc., North Snake Ground Water District, and Magic Valley Ground Water District (collectively “Ground Water Users”). The Ground Water Users request a hearing or in the alternative request reconsideration of the *Final Order*.

ORDER

IT IS HEREBY ORDERED that the requests for hearing filed by Blue Lakes, Clear Springs and the Ground Water Users are hereby granted.¹

A pre-hearing conference will be held on September 14, 2010 at 10:00 am at the Department's State Office located at 322 East Front Street, Boise Idaho, 6th Floor, Director's Conference Room.

IT IS FURTHER ORDERED that the parties shall attend the prehearing conference prepared to discuss the scope of the hearing. Specifically, some of the grounds for contesting the *Final Order* identified in the petitions are currently on appeal. For example, the Department's use of the 10% margin of error or trim line was affirmed by Judge John Melanson in his *Order on Petition for Judicial Review*, issued June 19, 2009. This issue is currently on appeal to the Idaho Supreme Court in *Clear Springs Foods Inc., et. al v. IDWR*, Supreme Court Docket No. 37308-2010. In addition, the issue of the appropriate evidentiary standard is on appeal before Judge Eric Wildman in *A&B Irrigation District v. IDWR*, Minidoka County Case No. CV -2009-647 and has also been raised in the *Clear Springs* appeal currently before the Idaho Supreme Court. The Director may issue a pre-hearing order limiting the scope of the hearing to prevent administrative consideration of issues currently being appealed.

DATED this 20th day of August 2010.


GARY SRACKMAN
Interim Director

¹ As the Director grants the Ground Water Users' request for hearing, the Director does not address the Ground Water Users' alternative request for reconsideration.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of August 2010, the above and foregoing, was served by the method indicated below, and addressed to the following:

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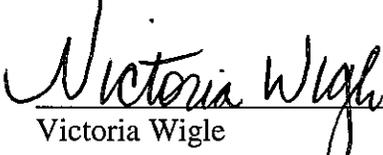
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