

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

IN THE MATTER OF SUN VALLEY
COMPANY'S PETITION FOR DECLARATORY
RULING REGARDING CREATION OF ESPA
GROUND WATER MANAGEMENT AREA

Docket No. P-DR-2016-001

**ORDER GRANTING REQUEST
FOR HEARING; NOTICE OF
PRE-HEARING CONFERENCE**

BACKGROUND

On July 25, 2016, Sun Valley Company ("SVC") filed with the Idaho Department of Water Resources ("Department") a *Petition for Declaratory Ruling Regarding Creation of ESPA Ground Water Management Area*. On July 29, 2016, SVC filed an *Amended Petition for Declaratory Ruling Regarding Creation of ESPA Ground Water Management Area*. On October 19, 2016, SVC filed a *Second Amended Petition for Declaratory Ruling Regarding Creation of ESPA Ground Water Management Area*.¹

On November 4, 2016, the Director ("Director") of Department issued an *Order Denying Petition for Declaratory Ruling* ("Order").

On November 16, 2016, SVC filed with the Department *Sun Valley Company's Petition for Reconsideration of Final Order Denying Petition for Declaratory Ruling* and a *Petition Requesting a Hearing on Order Denying Petition for Declaratory Ruling*.

Idaho Code § 42-1701A(3) provides in relevant part:

Unless the right to a hearing before the director... is otherwise provided by statute, any person aggrieved by any action of the director ... and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the same.

Because SVC has not previously been afforded an opportunity for hearing on the Order, the Director will grant SVC's request for hearing in accordance with Idaho Code § 42-1701A(3).

¹ Petitions to intervene in this matter were timely filed by the Water District 37-B Ground Water Association; the Idaho Ground Water Appropriators, Inc.; the City of Pocatello; the City of Hailey; the Big Wood and Little Wood Water Users Association; the City of Bellevue; and the Surface Water Coalition.

ORDER

Based on and consistent with the foregoing, IT IS HEREBY ORDERED that SVC's request for hearing on the Order is GRANTED.

NOTICE OF PRE-HEARING CONFERENCE

The Director hereby gives notice that a pre-hearing conference will be held **January 12, 2017, at 9:30 a.m. (MDT)**, at the offices of the Department located at 322 E. Front Street, 6th Floor, Boise, Idaho. The presiding officer will be Director Gary Spackman.

All parties to the matter must be represented at the pre-hearing conference in person or by telephone and prepared to discuss availability for identifying a hearing date. If participating by telephone, please dial **1-720-279-0026** and enter guest code when prompted: **321188#**.

The pre-hearing conference will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the Department, IDAPA 37.01.01. A copy of the Rules of Procedure may be obtained from the Department upon request.

The pre-hearing conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please contact Deborah Gibson at (208) 287-4803, no later than five (5) days prior to the hearing.

DATED this 1st day of December, 2016.



Gary Spackman
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of December 2016, the above and foregoing was served on the following by the method(s) indicated below:

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Deborah Gibson
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