

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE STATE OF IDAHO**

IN THE MATTER OF THE PETITION  
FILED BY ABERDEEN-SPRINGFIELD  
CANAL COMPANY REGARDING  
DISTRIBUTION OF NATURAL FLOW BY  
WATER DISTRICT 01

Docket No. P-WRA-2017-001

**NOTICE OF PRE-HEARING  
CONFERENCE; NOTICE OF  
HEARING; ORDER SETTING  
DEADLINES FOR PETITIONS TO  
INTERVENE AND STAFF  
MEMORANDUM**

**BACKGROUND**

On January 18, 2017, Aberdeen-Springfield Canal Company (“ASCC”) submitted a letter to the Idaho Department of Water Resources (“Department”) asserting the following:

River losses in the [At Blackfoot to Near Blackfoot Snake River] reach below . . . [the Shelley to At Blackfoot] reach of the river are deducted from the natural flow available to us [ASCC], even though gains in the reach below us are credited to junior, downstream appropriators. In some years, this has resulted in a diminishment of our available natural flow by as much as 65,000 acre-feet in a single irrigation year.

The letter from ASCC demands changes to the way Water District 01 distributes natural flow in the Shelley to At Blackfoot reach.

ASCC’s letter is a petition as defined by the Department’s Rule of Procedure 230. IDAPA 37.01.01.230. The Director of the Department (“Director”) will conduct formal proceedings to address the petition in accordance with the Department’s Rule of Procedure 104. IDAPA 37.01.01.104. The Director will schedule a prehearing conference and hearing, order that petitions to intervene be filed by the date of the prehearing conference pursuant to the Department’s Rule of Procedure 352 (IDAPA 37.01.01.352), and order preparation of a staff memorandum pursuant to the Department’s Rule of Procedure 602 (*see* IDAPA 37.01.01.602).

## NOTICE OF PREHEARING

The Director hereby notifies water users that a prehearing conference will be held in this matter on **March 21, 2017, at 11:00 a.m. (MDT)**, at the Department's State Office, located at 322 E. Front Street, 6th Floor, Director's Conference Room, Boise, Idaho 83720. The presiding officer will be the Director, Gary Spackman.

ASCC and those seeking to intervene must be represented at the prehearing conference in person or by telephone. If participating by telephone, **please dial 1-720-279-0026 and enter the following guest code when prompted: 321188#.**

The prehearing 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 or at <https://adminrules.idaho.gov/rules/current/37/0101.pdf>.

The prehearing 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 Kimi White at (208) 287-4815, no later than five (5) days prior to the conference.

## NOTICE OF HEARING

The Director hereby notifies ASCC and prospective parties that a hearing will be held in this matter on **May 23, 2017, beginning at 9:00 a.m. (MDT), and continuing on May 24 and May 25, 2017**, if necessary, at the Idaho Fish & Game Southeast Regional Offices, 1345 Barton Road, Pocatello, Idaho 83204. The presiding officer will be the Director, Gary Spackman.

The hearing 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 or at <https://adminrules.idaho.gov/rules/current/37/0101.pdf>.

The hearing 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 Kimi White at (208) 287-4815, no later than five (5) days prior to the hearing.

## ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that petitions to intervene in this matter must be filed with the Department by **March 21, 2017**, in accordance with the Department's Rules of Procedure 350-352. IDAPA 37.01.01.350-352.

IT IS FURTHER ORDERED that a staff memorandum will be prepared, disseminated to ASCC, and posted to the website for this matter at <https://idwr.idaho.gov/legal-actions/administrative-actions/WD01-petition.html> by **March 20, 2017**. The staff memorandum must describe:

1. How Water District 01 has historically assigned and currently assigns losses to the Below Blackfoot to Near Blackfoot reach of the Snake River and sources of water flowing therein, and also to adjacent reaches of the Snake River and sources of water flowing therein.
2. Other Snake River reaches where assignment of losses to reaches and water sources are similar to the assignment of losses in the Below Blackfoot to Near Blackfoot reach.
3. Alternatives to the present accounting method of assigning losses to river reaches and water sources and the consequences of changing the present method of assigning losses.

DATED this 6<sup>th</sup> day of March 2017.

  
GARY SPACKMAN  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6<sup>th</sup> day of March 2017, I served a true and correct copy of the foregoing document by U.S. mail, postage prepaid to the following:

Steven T. Howser  
Aberdeen-Springfield Canal Company  
144 South Main  
P. O. Box 857  
Aberdeen, ID 83210

Alan Stander  
President of Wearywick Canal Company  
c/o Ron Ellis - Secretary/Treasurer  
74 North 600 West  
Blackfoot, ID 83221

Paul Schneider  
President of People's Canal Company  
1050 West Hwy 39  
Blackfoot, ID 83221

Nick Christensen  
President of Parsons Ditch Company  
638 West 100 South  
Blackfoot, ID 83221

Keith Salisbury  
President of Riverside Canal Company  
P.O. Box 697  
Blackfoot, ID 83221

Lyle Swank  
Water District 01 Watermaster  
900 N. Skyline Dr., Ste A  
Idaho Falls, ID 83402-1718

I FURTHER CERTIFY that, on this 6<sup>th</sup> day of March 2017, a true a correct copy of the foregoing was served by U.S. mail on water users at their last known addresses listed in the document titled "Additional Service List in the Matter of the Petition Filed by Aberdeen-Springfield Canal Company Regarding Distribution of Natural Flow by Water District 01" dated March 6, 2017, and posted to the Department's website at: <https://idwr.idaho.gov/legal-actions/administrative-actions/WD01-petition.html>.



Deborah J. Gibson  
Administrative Assistant to the Director  
Idaho Department of Water Resources