

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

IN THE MATTER OF THE PETITION
REGARDING STORAGE RESET IN
WATER DISTRICT 01 FILED BY MILNER
IRRIGATION DISTRICT

Docket No. P-WRA-2017-002

**NOTICE OF PREHEARING
CONFERENCE; ORDER SETTING
DEADLINE FOR PETITIONS TO
INTERVENE**

BACKGROUND

On August 18, 2017, Milner Irrigation District (“Milner”) submitted a letter to the Idaho Department of Water Resources (“Department”) asserting the “fall storage ‘reset’ for purposes of water right administration” in Water District 01 “is not authorized in the current storage water right partial decrees, including the Lake Walcott storage right (1-219)” and “has in effect curtailed Milner’s natural flow water right 1-17 (November 14, 1916 priority date) in recent years.” Milner requests “the Water District and Director ensure Milner receives the appropriate natural flow as required by Idaho law.”

Milner’s letter is a petition as defined by the Department’s Rule of Procedure 230. *See* IDAPA 37.01.01.230. The 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 order that petitions to intervene be filed by the day prior to the prehearing conference pursuant to the Department’s Rule of Procedure 352 (IDAPA 37.01.01.352).

NOTICE OF PREHEARING

The Director hereby notifies water users that a prehearing conference will be held in this matter on **November 13, 2017, at 1:30 p.m. (MDT)**, at the Department’s State Office, located at 322 E. Front Street, 6th Floor, Director’s Conference Room, Boise, Idaho 83702. The presiding officer will be the Director, Gary Spackman.

Milner 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: 544840#.**

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.

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 **November 12, 2017**, in accordance with the Department's Rules of Procedure 350-352. See IDAPA 37.01.01.350-352.

DATED this 5th day of October 2017.



GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of October 2017, I served a true and correct copy of the foregoing document by electronic mail and U.S. mail, postage prepaid to the following:

Travis L. Thompson
Barker Rosholt & Simpson, LLP
P.O. Box 63
Twin Falls, Idaho 83303-0063
tlt@idahowaters.com

Lyle Swank
Water District 01 Watermaster
900 N. Skyline Dr., Ste A
Idaho Falls, ID 83402-1718
lyle.swank@idwr.idaho.gov

I FURTHER CERTIFY that, on this 5th day of October 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 Regarding Storage Reset in Water District 01 filed by Milner Irrigation District" dated October 5, 2017, and posted to the Department's website at: <https://idwr.idaho.gov/legal-actions/administrative-actions/milner-petition.html>.



Kimi White