

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF ROTATION)	NOTICE OF CONTINUED
CREDIT IN WATER DISTRICT 34,)	HEARING; ORDER
BIG LOST RIVER BASIN)	STAYING PRELIMINARY
_____)	ORDER

FINDINGS OF FACT

On April 29, 2016, the Idaho Department of Water Resources (“Department”) issued a *Preliminary Order Suspending Rotation Credit in Water District 34* (“Preliminary Order”) in the above-captioned matter. Subsequently, the Department received multiple requests for hearing regarding the Preliminary Order.

On June 28 and 29, 2016, the Director of the Department (“Director”) conducted a hearing. The hearing was not concluded by the end of the second day and the parties agreed to continue the hearing to August 2, 2016.

At the start of the hearing, Melvin Marx Hintze made a verbal motion for the Director to stay the Preliminary Order. The Director did not immediately rule on the motion but took the motion under advisement. At the conclusion of the second day of the hearing, the Director verbally granted the motion to stay the Preliminary Order and told the parties a written order documenting the decision would be issued. The Director also told the parties the order would instruct the watermaster regarding administration of rotation credits. This is the order documenting the verbal grant of a stay.

NOTICE OF CONTINUED HEARING

The Director hereby gives notice that the hearing in this matter will be continued on **August 2, 2016**, beginning at 8:30 a.m. (MDT) at the Butte County High School Auditorium, located at 120 South Water Street, Arco, Idaho, 83214. The presiding officer will be 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 upon request.

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 Deborah Gibson at (208) 287-4803, no later than five (5) days prior to the hearing.

ORDER

IT IS HEREBY ORDERED that, pursuant to IDAPA 37.01.01.780, the Preliminary Order is stayed effective June 29, 2016. The stay will remain in effect pending issuance of the final order in this matter unless otherwise ordered by the Director.

IT IS FURTHER ORDERED that the watermaster and the Big Lost River Irrigation District shall instruct water users that, if a water user wishes to rotate a natural flow water right into storage in Mackay Reservoir, the water user must request rotation of a natural flow water right into storage in writing. A water user must submit the written request to rotate a natural flow water right into storage to the watermaster between 48 hours and 72 hours prior to the rotation of the natural flow water right into storage. The watermaster, with the assistance of the Director, will determine whether the natural flow water right, or a portion thereof, can be rotated into storage and will notify Big Lost River Irrigation District. If at any time the rotation of a natural flow water right into storage ceases, additional rotation of the natural flow water right in storage must be reinitiated by a new written request for rotation of a natural flow water right into storage.

The Director will issue additional instructions to the Water District 34 watermaster and Big Lost River Irrigation District regarding administration of rotation credit in Water District 34, in accordance with General Provision 3 of the *Amended Partial Decree for General Provisions in Administrative Basin 34*.

Dated this 1st day of July 2016.



GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of July 2016, I served a true and correct copy of the foregoing document on the following by the method indicated below:

Fritz X. Haemmerle Haemmerle Law, PLLC P.O. Box 1800 Hailey, Idaho 83333	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
W. Kent Fletcher Fletcher Law Offices P.O. Box 248 Burley, Idaho 83318	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
Marshal Todd Perkes 2790 N 3325 W Moore, Idaho 83255	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
Melvin Marx Hintze, PE Darla Ann Hintze 4372 W. Houston Road Mackay, Idaho 83251	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
Mike Telford Telford Lands, LLC 1450 W. Highway 24 Paul, Idaho 83347-8666	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
Mitchell D. Sorensen 3871 W. 2500 N. Moore, Idaho 83255	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email

<p>Seth Beal 2827 N. 3375 W. Moore, Idaho 83255</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Young Harvey Walker 2338 N. 2930 W. Arco, Idaho 83213</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>


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