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RECEIVED  
 FEB 10 2019  
 DEPARTMENT OF  
 WATER RESOURCES

*Attorneys for the Basin 33 Water Users*

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

IN THE MATTER OF DESIGNATING THE EASTERN SNAKE PLAIN AQUIFER GROUND WATER MANAGEMENT AREA _____	) ) ) ) ) ) ) ) ) ) )	Docket No. AA-GWMA-2016-001  <b>NOTICE OF BASIN 33 WATER          USERS' NONPARTICIPATION AT          HEARING</b>
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The Basin 33 Water Users, by and through their undersigned counsel, hereby submits this *Notice of Basin 33 Water Users' Nonparticipation at Hearing* scheduled for February 18-21, 2020. The purpose of this notice is to inform the Director (the hearing officer) and the parties to this proceeding that, given the limited financial resources of the Basin 33 Water Users and in light of the contents of the Director's *Order Partially Denying Basin 33 Users' Motion to Designate IDWR Witnesses; Order Identifying Witness* dated February 6, 2020 (the "Witness Order"), the Basin 33 Water Users will not participate at the hearing on the remaining factual issue designated by the Director. Providing this notice now will allow the parties who intend to participate at the hearing to prepare accordingly.

This notice should not be construed as a concession or indication that the Basin 33 Water Users agree with the Witness Order. The Basin 33 Water Users will focus its resources on an appeal, and reserve the right to raise all issues on appeal, including those addressed in the Director's *Order on Legal Issues* dated January 9, 2020, the Witness Order, and any other actions or decisions of the Director associated with this matter that the Basin 33 Water Users believe satisfy the provisions of Idaho Code § 67-5279(3) and/or otherwise violate Idaho law.

Dated this 10<sup>th</sup> day of February 2020.



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Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of February 2020, I served a true and correct copy of the following described pleading or document on the attorneys and/or individuals listed below by the method(s) indicated.

**Document Served: NOTICE OF BASIN 33 WATER USERS NONPARTICIPATION AT HEARING**

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