

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

IN THE MATTER OF BASIN 37
ADMINISTRATIVE PROCEEDING

Docket No. AA-WRA-2021-001

ORDER GRANTING PARTY STATUS

On May 4, 2021, the Director of the Idaho Department of Water Resources (“Department”) issued a *Notice of Administrative Proceeding, Pre-Hearing Conference, and Hearing* (“Notice of Proceeding”). The Director commenced the administrative proceeding in response to predicted drought in Basin 37 for the 2021 irrigation season and in response to ground water modeling showing that curtailment of ground water rights during the 2021 irrigation season would result in increased surface water flows for certain holders of senior surface water rights. *Notice* at 1. The purpose of the hearing is for the Director to decide whether “the withdrawal of water from ground water wells in the Wood River Valley south of Bellevue (commonly referred to as the Bellevue Triangle) would affect the use of senior surface water rights on Silver Creek and its tributaries during the 2021 irrigation season.” *Id.* at 1; *see also id.*, Attachment A (depicting the “Potential Area of Curtailment”).

The Director, acting as presiding officer, set a prehearing conference for May 24, 2021, and set the hearing for June 7-11, 2021. *Id.* at 1-2.

The Notice of Proceeding stated that those wishing to “participate in the administrative proceeding” were to “send written notice to the Department by May 19, 2021 . . . stating your intent to participate” *Id.* at 1.

The Director conducted the prehearing conference on May 24, 2021. As part of the prehearing conference, the Director identified the Parties who had filed notices of appearance. The Director also allocated time at the hearing to the Parties based on the number of Parties appearing at the prehearing conference.

On May 25, 2021, the Department received a *Notice of Appearance and Intent to Participate* from Picabo Livestock, Inc. (“Picabo”), represented by Gary Slette. The document will be referred to hereafter as the “Picabo Notice of Appearance.”

On May 25, 2021, the Department also received a *Notice of Appearance and Intent to Participate* from Eccles Window Rock Ranch, LLC. (“Eccles”), represented by Evan Robertson. The document will be referred to hereafter as the “Eccles Notice of Appearance.”

The mailing certificate for the Notice verifies that Picabo and Eccles were both served copies of the Notice via U.S. Mail. *Revised Complete Certificate of Service* at 14, 30.

The Director determines the Picabo Notice of Appearance and the Eccles Notice of Appearance were untimely filed. Allowing full party status to Picabo and Eccles could reduce the time for presentation of evidence and cross examination by the parties at the hearing. As a result, the Director recognizes Picabo and Eccles as Parties in this proceeding, but may limit presentation of evidence and cross examination by Picabo and Eccles if the Director determines that participation by Picabo and Eccles will limit the other Parties' full participation in or may delay the culmination of the hearing.¹

ORDER

IT IS HEREBY ORDERED that Picabo Livestock, Inc., and Eccles Window Rock Ranch, LLC., are recognized as Parties in this matter.

IT IS FURTHER ORDERED that the participation of Picabo Livestock, Inc., and Eccles Window Rock Ranch, LLC., may be limited by the Director if he determines that participation by Picabo or Eccles will reduce the time allocated to the Parties identified at the prehearing conference or may prevent the completion of the hearing within the time scheduled for the hearing.

Dated this 26th day of May, 2021.



Gary Spackman
Director

¹ In the *Prehearing Order; Scheduling Order* (May 25, 2021), the Director divided the parties into separate groups. Picabo and Eccles will be part of the second group (Bellevue Triangle Groundwater Users).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of May, 2021, the above and foregoing was served on the following by the method(s) indicated below:

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