

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

Docket No. AA-WRA-2021-001

ORDER ON PRE-HEARING MOTIONS

IN THE MATTER OF BASIN 37
ADMINISTRATIVE PROCEEDING

BACKGROUND

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”). 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. The Director, acting as presiding officer, set the hearing for June 7-11, 2021. *Id.* at 1-2. On May 27, 2021, the Director issued an *Amended Notice of Hearing*, increasing the hearing dates to June 7-12 and June 14-18, 2021.

The following motions have been filed related to matters at the hearing:

- *Motions In Limine*
 - *Big Wood & Little Wood Water Users Association & Big Wood Canal Company Motion In Limine* by the Big Wood & Little Wood Water Users Association and Big Wood Canal Company
 - *Joint Motion to Strike, Motion In Limine, and Motion to Limit the Scope of Evidence, and Request for Expedited Decision* by Sun Valley Company and the Cities of Bellevue, Hailey and Ketchum
 - *Motion In Limine to Reclassify Certain Participants, and to Exclude Testimony and Evidence Related to Potential Injury Outside Silver Creek or Little Wood River* by South Valley and Galena Ground Water Districts
- *Motions for Official Notice*
 - *Motion to Take Official Notice Pursuant to Rule 602 of the Rules of Procedure of the Idaho Department of Water Resources* by Dean R. Rogers, III and Dean R. Rogers, Inc.
 - *Joint Request for Official Notice* by Sun Valley Company and the Cities of Bellevue, Hailey and Ketchum

- *IDFG Motion and Memorandum to Exclude Water Rights 37-7038, 37-8271, and 37-8331 from Curtailment by Idaho Fish and Game.*

Pursuant to IDAPA 37.01.01.565 the Director finds good cause has been shown to shorten the time to respond to the motions. The Director will take up the motions at the hearing on June 7, 2021 at 9 am. Parties may respond to the motions in writing before that time or orally at the hearing.

ORDER

IT IS HEREBY ORDERED that the time to respond to the pre-hearing motions is shortened.

IT IS HEREBY FURTHER ORDERED that the motions will be heard at the hearing on June 7, 2021 at 9 am.

DATED this 4th day of June, 2021.



GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 4th day of June, 2021, the above and foregoing.

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