

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

IN THE MATTER OF CLARK'S	)	Docket No. C-RWM-2016-001
REQUEST FOR REMOVAL OF	)	
THE WATER DISTRICT NO. 95C	)	<b>NOTICE OF HEARING;</b>
WATERMASTER, LAURIN SCARCELLO	)	<b>SCHEDULING ORDER</b>
_____	)	

On August 30, 2016, the Idaho Department of Water Resources ("Department") received a written complaint from Mr. Colby Clark ("Complainant"), water right holder in Water District 95C ("WD 95C"), requesting removal of the current watermaster of WD 95C, Laurin Scarcello ("Watermaster"). The complaint can be found at the Department's website for this matter: <https://idwr.idaho.gov/legal-actions/administrative-actions/WD95C-watermaster-complaint.html>.

Section 42-605(9), Idaho Code states:

The director of the department of water resources may remove any watermaster whenever such watermaster fails to perform the watermaster's duty, upon complaint in that respect being made to the director in writing, by one (1) person owning or having the right to the use of a water right in such district, which right has been adjudicated or decreed by the court or is represented by valid permit or license issued by the department of water resources provided, that upon investigation the director, after a hearing with the other water users of said district, which shall be held in the district or at some location convenient to the water users of the district, finds such charge to be true, and the director may appoint a successor for the unexpired term.

**PLEASE TAKE NOTICE** that a hearing will be held on **November 3, 2016, beginning at 9:00 a.m., and continuing on November 4, 2016, if necessary, at the Twinlow Camp & Retreat Center, 22787 N. Twinlow Road, Rathdrum, ID, 83858.** The purpose of the hearing is to gather testimony from the Complainant, the Watermaster, and others to determine whether the Director should remove the Watermaster pursuant to Section 42-605(9), Idaho Code. The hearing officer will be the Department's Water Right Permits Section Manager, Shelley Keen.

The hearing will be held in accordance with the provisions of Chapter 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the Department's Rules of Procedure, IDAPA 37.01.01. A copy of the rules may be obtained from the Department upon request or from the following website: <http://adminrules.idaho.gov/rules/current/37/0101.pdf>. The hearing will be conducted in accordance with the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the Department ten (10) days prior to the hearing. To obtain a copy of the service list for this notice, or for inquiries about scheduling, hearing facilities, etc., please contact Dianne Ball, 7600 N Mineral Drive, Suite 100, Coeur d'Alene, ID 83815, (208) 762-2807.

## SCHEDULING ORDER

IT IS HEREBY ORDERED that the following schedule is adopted:

**October 26, 2016** Deadline for water users who wish to participate in the hearing to submit to the hearing officer, Complainant, and Watermaster by mail **a notice of intent to participate** ("NOI").

- The hearing officer's mailing address is: Idaho Department of Water Resources, c/o Shelley Keen, P.O. Box 83720, Boise, ID, 83720-0098.
- The Complainant's mailing address is: 9836 W Twin Lakes Rd, Rathdrum, ID, 83858.
- The Watermaster's mailing address is: 22389 N Kevin Rd, Rathdrum, ID 83814.

The **NOI must expressly state** whether and why the water user supports or challenges removal of the Watermaster. The **NOI must also state** whether the water user intends to testify, to examine witnesses, or both. The hearing officer will limit redundant testimony and examination at hearing.

**October 26, 2016** Deadline for **anyone who submits a NOI** to submit to the hearing officer, Complainant, and Watermaster by mail **a list of witnesses** they may call and **a list of documents** they intend to rely upon at hearing.

Deadline for **the Complainant and Watermaster** to serve upon one another and submit to the hearing officer by mail **a list of witnesses** they may call and **a list of documents** they intend to rely upon at hearing.

Given the short timeframes associated with the schedule for hearing in this matter, the hearing officer may allow supplements to document lists after this date.

**October 26, 2016** Deadline for **anyone who submits a NOI** to serve **copies of the exhibits** they intend to rely upon at hearing to the hearing officer, Complainant, and Watermaster. **Three copies of each exhibit** must be physically received by the hearing officer by this deadline.

Deadline for **the Complainant and Watermaster** to serve upon one another and to submit to the hearing officer **copies of the exhibits** they intend to rely upon at hearing. **Three copies of each exhibit** must be physically received by the hearing officer by this deadline.

**October 28, 2016**

Deadline for the Department to post the above-described documents received from water users, a list of employees who may testify at hearing, and exhibits the Department intends to rely upon at hearing to the webpage for this matter at: <https://idwr.idaho.gov/legal-actions/administrative-actions/WD95C-watermaster-complaint.html>. Hard copies of these documents may be obtained from the Department's Northern Regional Office upon request (please contact Dianne Ball at (208) 762-2807).

Dated this 5<sup>th</sup> day of October 2016.

  
\_\_\_\_\_  
Gary Spackman  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 5<sup>th</sup> day of October 2016, I served a true and correct copy of the foregoing document to all parties listed on the Certificate of Service dated October 5, 2016, and posted on the Department's website for this matter at <https://idwr.idaho.gov/legal-actions/administrative-actions/WD95C-watermaster-complaint.html>, by placing a copy of the same in the United States mail, postage prepaid and properly addressed.



Kimi White