

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

IN THE MATTER OF DISTRIBUTION OF WATER )  
TO VARIOUS WATER RIGHTS HELD BY OR FOR ) Docket No. CM-DC-2010-001  
THE BENEFIT OF A&B IRRIGATION DISTRICT, )  
AMERICAN FALLS RESERVOIR DISTRICT #2, ) **ORDER DENYING REQUEST**  
BURLEY IRRIGATION DISTRICT, MILNER ) **FOR INDEPENDENT HEARING**  
IRRIGATION DISTRICT, MINIDOKA IRRIGATION ) **OFFICER**  
DISTRICT, NORTH SIDE CANAL COMPANY, )  
AND TWIN FALLS CANAL COMPANY )  
\_\_\_\_\_ )

On May 13, 2010, the City of Pocatello (“Pocatello”) filed a *Joinder in Ground Water Users’ Motion for Reconsideration of April 29, 2010 Order and Request for Hearing* (“Motion”). Included within the Motion was a “request that the Director appoint an independent hearing officer, pursuant to Idaho Code Section 42-1701(A)(2).” *Motion* at 2.

Idaho Code § 42-1701(A)(2) provides as follows: “The director, *in his discretion*, may direct that a hearing be conducted by a hearing officer appointed by the director.” Emphasis added.


A hearing in this and other related matters will commence on May 24, 2010. The Director is best positioned to preside in these hearings. Appointment of an independent hearing officer would only serve to delay these proceedings and ultimately delay administration of hydraulically connected surface and ground water rights during the 2010 irrigation season.

**ORDER**

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED as follows:

Having considered the matter and in exercise of his discretion, Pocatello’s request for the appointment of an independent hearing officer is DENIED.

Dated this 18<sup>th</sup> day of May, 2010.

  
GARY SPACKMAN  
Interim Director

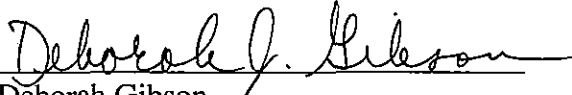
## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18<sup>th</sup> day of May, 2010, the above and foregoing, was served by the method indicated below, and addressed to the following:

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Deborah Gibson  
Administrative Assistant to the Director