

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

IN THE MATTER OF DISTRIBUTION OF  
WATER TO WATER RIGHTS HELD BY  
MEMBERS OF THE BIG WOOD & LITTLE  
WOOD WATER USERS ASSOCIATION  
DIVERTING FROM THE BIG WOOD  
RIVER

Docket No. CM-DC-2015-001

IN THE MATTER OF DISTRIBUTION OF  
WATER TO WATER RIGHTS HELD BY  
MEMBERS OF THE BIG WOOD & LITTLE  
WOOD WATER USERS ASSOCIATION  
DIVERTING FROM THE LITTLE WOOD  
RIVER

Docket No. CM-DC-2015-002

**ORDER GRANTING LATE REQUEST  
TO PARTICIPATE**

**BACKGROUND**

On February 24, 2015, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) received two conjunctive management water delivery call letters from counsel for members of the Big Wood & Little Wood Water Users Association. The letters allege senior surface water users on the Big Wood and Little Wood Rivers are being injured by water users diverting ground water hydraulically connected to the Big Wood and Little Wood Rivers. The letters request the Director regulate junior ground water users consistent with the prior appropriation doctrine.

The Director initiated new contested case proceedings and assigned each delivery call letter its own docket number. The Big Wood Delivery Call was assigned docket no. CM-DC-2015-001. The Little Wood Delivery Call was assigned docket no. CM-DC-2015-002.

On March 20, 2015, the Department sent letters to ground water users the Department identified as potentially affected by one or both of the above-described delivery calls, including Brian Lamar Smith and Diane Steffey-Smith (“the Smiths”). The purpose of the letters was to inform the water users of the delivery calls and notify them of a planned status conference. The letters invited the water users to file a written notice with the Department if they planned to participate in delivery call proceedings. The Department received over 100 notices of intent to participate.

The Department also published general notice of the delivery calls and the status conference in the Idaho Mountain Express and Camas Courier on March 25th, 2015 & April 1st, 2015; and the Times News on March 26th, 2015 & April 2nd, 2015.

On May 13, 2015, the Director issued an *Order Governing Participation* (“Order”) stating:

Holders of ground water rights that may be affected by one or both of the above-described delivery calls **that have not filed a notice of intent to participate but wish to actively participate in the contested case proceedings** must file with the Department a written notice of intent to participate in CM-DC-2015-001 or CM-DC-2015-002 or both cases, **by May 27, 2015.**

*Order* at 2 (emphasis in original). On June 1, 2015, the Department received a letter from the Smiths stating they “wish to participate in CM-DC-2015-001 and CM-DC-2015-002.”

The Director will treat the Smiths’ June 1, 2015, letter as a motion to grant a late request to participate in the Big Wood and Little Wood Delivery Call proceedings. As explained above, the Smiths are ground water users the Department identified as potentially affected by one or both of the above-described delivery calls. The Department received the Smiths’ letter only a few days past the May 27, 2015, deadline established in the Order. Granting the Smiths’ motion will not result in prejudice to other parties. The Director will grant the Smiths’ motion.

#### ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the Smiths’ motion to grant a late request to participate in the Big Wood and Little Wood Delivery Calls is GRANTED.

DATED this 21<sup>st</sup> day of August 2015.

  
GARY SPACKMAN  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 21<sup>st</sup> day of August 2015, I served a true and correct copy of the above and foregoing document by placing a copy of the same in the United States mail, postage prepaid and properly addressed and by e-mail to participants who have provided e-mail addresses to the Department for service to the following:

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