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 21st day of August 2015.

GARY SPACKMAN
Director
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 21st 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:

BIG WOOD WATER USERS ASSN
LITTLE WOOD WATER USERS ASSN
C/O JOSEPH F. JAMES
BROWN & JAMES
130 FOURTH AVENUE WEST
GOODING ID 83330
joe@brownjameslaw.com
dana@brownjameslaw.com

SOUTH VALLEY GROUND WATER DIST
C/O ALBERT BARKER
BARKER ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE ID 83701-2139
aph@idahowaters.com
sle@idahowaters.com

HAILEY CEMETERY MAINTENCE DIST
JACOB & RUTH BLOOM
C/O PATRICK D BROWN
PATRICK D BROWN PC
PO BOX 125
TWIN FALLS ID 83303
pat@pblaw.co

IDAHO GROUND WATER APPROPRIATORS INC
C/O RANDALL C BUDGE
THOMAS J BUDGE
JOSEPH G BALLSTAEDT
RACINE OLSON
PO BOX 1391
POCATELLO ID 83204-1391
rcb@racinelaw.net
tjb@racinelaw.net
jgb@racinelaw.net

CITY OF FAIRFIELD
CITY OF KETCHUM
C/O SUSAN E BUXTON
CHERESE D MCLAIN
MOORE SMITH BUXTON & TURCKE
950 W BANNOCK ST STE 520
BOISE ID 83702
seb@msbtlaw.com
edm@msbtlaw.com

SINCLAIR OIL CORPORATION DBA SUN VALLEY COMPANY
C/O SCOTT L CAMPBELL
MATTHEW J MCGEE
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701-0829
sle@moffatt.com

CITY OF HAILEY
VALLEY CLUB INC
C/O MICHAEL C CREAMER
MICHAEL P LAWRENCE
GIVENS PURSELY LLP
PO BOX 2720
BOISE ID 83701-2720
mcc@givenspursley.com
mpl@givenspursley.com
lisahughes@givenspursley.com
lorigibson@givenspursley.com

STROM RANCHES INC
DENNIS STROM
C/O S BRYCE FARRIS
SAWTOOTH LAW OFFICES PLLC
PO BOX 7985
BOISE ID 83707-7985
bryce@sawtoothlaw.com
DAN S FAIRMAN MD & MELYNDA KIM STANDLEE FAIRMAN
DEER CREEK FARM (LYNN CAMPION)
DON R & JUDY H ATKINSON
DONNA F TUTTLE TRUST
ELIZABETH K GRAY
F ALFREDO REGO
FLOWERS BENCH LLC
GOLDEN EAGLE RANCH HOA INC
GREENHORN HOMEOWNERS ASSN
(JEFFREY T SEELEY)
GRIFFIN RANCH PUD SUBDIVISION HOA
(Cheri Hicks)
GRIFFIN RANCH SUBDIVISION HOA
(Cheri Hicks)
GULCH TRUST (TERESA L MASON)
HEATHERLANDS HOMEOWNERS ASSN
HENRY & JANNE BURDICK
IDAHO RANCH LLC
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JAMES P & JOAN CONGER
KIRIL SOKOLOFF
LAURA L LUCERE
LINDA WOODCOCK
LOUISA JANE H JUDGE
MARGO PECK
MARION R & ROBERT M ROSENTHAL
MATS & SONYA WILANDER
MICHAEL E WILLARD
MID-VALLEY WATER CO LLC
PIONEER RESIDENTIAL & RECREATIONAL PROPERTIES LLC
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RED CLIFFS HOMEOWNERS ASSOCIATION
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THE VERNOCY IRREVOCABLE TRUST
THOMAS W WEISEL
TIMBERVIEW TERRACE HOA INC
C/O JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340
jim@speckandaanestad.com

DEAN R ROGERS INC (DEAN R ROGERS III)
C/O LAIRD B STONE
STEPHAN KVANVIG STONE & TRAINOR
PO BOX 83
TWIN FALLS ID 83303-0083
sks&t@idaho-law.com

CATHERINE S DAWSON REVOCABLE TRUST
DEER CREEK RANCH INC
ROBERT L BAKER REVOCABLE TRUST
C/O TRAVIS L THOMPSON
PAUL L. ARRINGTON
BARKER ROSHOLT & SIMPSON LLP
195 RIVER VISTA PL STE 204
TWIN FALLS ID 83301-3029
tti@idahowaters.com
pla@idahowaters.com

ANTHONY & JUDY D ANGELO
PO BOX 3267
KETCHUM ID 83340
judydangelo@gmail.com

BARBARA CALL
PO BOX 4
ROSS CA 94957
barbcall@sbeglobal.net

BERNARD I FRIEDLANDER PHD
116 VALLEY CLUB DRIVE
HAILEY ID 83333
BLACK BUTTE HILLS LLC
PO BOX 333
FAIRFIELD ID 83327

BLUEGROUSE RIDGE HOA
C/O BRIAN MCCOY
PO BOX 3510
KETCHUM ID 83340
brian@seabrd.net

BRIAN L SMITH & DIANE STEFFEY-SMITH
PO BOX 629
BELLEVUE ID 83313
brianlamarsmith@me.com

BRITTA S HUBBARD
PO BOX 1167
KETCHUM ID 83340
brittahubbard@gmail.com

BRUCE & KAREN TRUXAL
PO BOX 431
BELLEVUE ID 83313
btruxal@powereng.com

CANADIAN CLUB
HOMEOWNERS ASSN
PO BOX 4041
KETCHUM ID 83340

CLARE & KAREN OLSON
OKC RANCHES
PO BOX 136
HILL CITY ID 83337

COLD SPRINGS WATER COMPANY
PO BOX 254
KETCHUM ID 83340

DAVID A & KAREN L SIMON
PO BOX 545
FAIRFIELD ID 83327

DAVID BERMAN
PO BOX 1738
CAVE CREEK AZ 85327
berman.dlb@gmail.com

DEBORAH L & MATT A MCLAM
PO BOX 253
FAIRFIELD ID 83327

DOUGLAS C WALTON
DIANA L WHITING
109 RIVER GROVE LN
HAILEY ID 83333

ERNEST & JUDITH GETTO TRUST
ERNEST J GETTO
417 ENNISBROOK DR
SANTA BARBARA CA 93108

GARY HOFFMAN
PO BOX 1529
KETCHUM ID 83340

GREGORY R BLOOMFIELD
REVOCABLE TRUST
PO BOX 757
HAILEY ID 83333

GWINN RICE RANCH INC
PO BOX 131
HILL CITY ID 83337

HARRY S RINKER
949 SOUTH COAST DR STE 500
COSTA MESA CA 92626
hrinker@rinkercompany.com

HARRY S RINKER
PO BOX 7250
NEWPORT BEACH CA 92658
toni@rinkercompany.com
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City, State ZIP</th>
</tr>
</thead>
<tbody>
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<td>FAIRFIELD ID 83327</td>
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<td>PO BOX 254</td>
<td>KETCHUM ID 83340</td>
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<tr>
<td>INNOVATIVE MITIGATION SOLUTIONS LLC</td>
<td>2918 N EL RANCHO PL</td>
<td>BOISE ID 83704</td>
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<tr>
<td>JAMES D WHITE</td>
<td>PO BOX 367</td>
<td>BELLEVUE ID 83313</td>
</tr>
<tr>
<td>JARED R WILLIAMS</td>
<td>REVOCABLE TRUST</td>
<td>SEATTLE WA 98139</td>
</tr>
<tr>
<td>JIM W KOONCE</td>
<td>PO BOX 2015</td>
<td>HAILEY ID 83333</td>
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<td>18351 US HWY 20</td>
<td>BELLEVUE ID 83313</td>
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<td>LUBOFF SENA VSKY &amp; CHARLES TIMOTHY FLOYD</td>
<td>PO BOX 1240</td>
<td>EAGLE ID 83616</td>
</tr>
<tr>
<td>MARLYS J SCHMIDT</td>
<td>10901 HWY 75</td>
<td>BELLEVUE ID 83313</td>
</tr>
<tr>
<td>NANCIE C TATUM &amp; THOMAS F HENNIG</td>
<td>PO BOX 1365</td>
<td>SUN VALLEY ID 83353</td>
</tr>
<tr>
<td>PAUL &amp; POLLY CARNEY LLOYD &amp; DEANN RICHINS MARK &amp; SUSAN WILLIAMS FISH CREEK RESERVOIR RANCH, LLC</td>
<td>384 2 2900 E</td>
<td>PAUL ID 83347</td>
</tr>
<tr>
<td>PAUL &amp; TANA DEAN</td>
<td>40 FREEDOM LOOP</td>
<td>BELLEVUE ID 83313</td>
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<tr>
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<td>LORI SEWELL</td>
<td>HAILEY ID 83333</td>
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<td>KATHLEEN MCKAY</td>
<td>SEATTLE WA 98105</td>
</tr>
<tr>
<td>POPPY ENGLEHARDT</td>
<td>10965 HIGHWAY 75</td>
<td>BELLEVUE ID 83313</td>
</tr>
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ED REAGAN
COURIER NEWS
PO BOX 339
FAIRFIELD ID 83327
news@highway46.org

Person mailing document