

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

IN THE MATTER OF THE)	ORDER GRANTING
ADMINISTRATION AND ACCOUNTING)	REQUEST FOR HEARING
OF THE PRACTICE OF ROTATING)	
NATURAL FLOW WATER RIGHTS INTO)	
<u>MACKAY RESERVOIR FOR STORAGE</u>)	

On July 18, 2016, the Director of the Idaho Department of Water Resources (“Department”) issued a *Final Order Regarding Instructions to WD34 Watermaster* (“Final Order”). The Final Order provided instructions to the Water District 34 watermaster and Big Lost River Irrigation District regarding the implementation of the practice of rotating natural flow water rights into storage. *Final Order* at 1. The instructions were issued to ensure conformance with the Snake River Basin Adjudication General Provisions related to the practice and Water District 34 rules. *Id.*

On July 29, 2016, the Director received a *Petition for Reconsideration and Request for Hearing* filed by Nelson Mackay Ranch, LLC, *et al.* (“Petitioners”), in which the Petitioners contest the Final Order and request a hearing.

Idaho Code § 42-1701A(3) provides in relevant part:

Unless the right to a hearing before the director ... is otherwise provided by statute, any person aggrieved by any action of the director ... and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action.

Because Petitioners have not previously been afforded an opportunity for hearing on the Final Order, the Director will grant the Petitioners’ request for hearing in accordance with Idaho Code § 42-1701A(3).

ORDER

Based on the foregoing, IT IS HEREBY ORDERED that the request for hearing is GRANTED.

Dated this 18th day of August 2016.


GARY SPACKMAN
Director

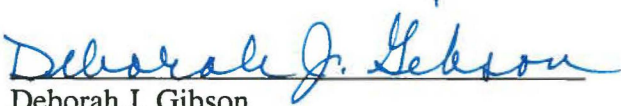
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August 2016, I served a true and correct copy of the foregoing document on the following by the method indicated below:

Lucus Yockey WD34 Watermaster P.O. Box 53 Mackay, Idaho 83251	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
Fritz X. Haemmerle Haemmerle Law, PLLC P.O. Box 1800 Hailey, Idaho 83333	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
W. Kent Fletcher Fletcher Law Offices P.O. Box 248 Burley, Idaho 83318	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
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Melvin Marx Hintze, PE Darla Ann Hintze 4372 W. Houston Road Mackay, Idaho 83251	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
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Seth Beal 2827 N. 3375 W. Moore, Idaho 83255	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email

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Dennis Moss 3286 N 3350 W Moore, Idaho 83255	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
Darrell Lee McDonald P.O. Box 246 Arco, Idaho 83213	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
Lyle Swank Idaho Department of Water Resources Eastern Region 900 N Skyline Dr Ste A Idaho Falls, Idaho 83815	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email


 Deborah J. Gibson
 Administrative Assistant for the Director
 Idaho Department of Water Resources