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 8th day of August 2016, I served a true and correct copy of the foregoing document on the following by the method indicated below:

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