

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE) ADMINISTRATION AND ACCOUNTING) OF THE PRACTICE OF ROTATING) NATURAL FLOW WATER RIGHTS INTO) <u>MACKAY RESERVOIR FOR STORAGE</u>))	NOTICE OF HEARING; ORDER AUTHORIZING DISCOVERY; SCHEDULING ORDER
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BACKGROUND

On July 18, 2016, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) issued a *Final Order Regarding Instructions to WD34 Watermaster*. On July 29, 2016, Nelson Mackay Ranch, LLC (“Nelson”), filed a *Petition for Reconsideration; and/or Request for Hearing*. On August 18, 2016, the Director issued an *Order Granting Request for Hearing*, granting Nelson’s request for hearing in accordance with Idaho Code § 42-1701A(3). On November 15, 2016, the Director issued a *Notice of Pre-Hearing Conference* scheduling a pre-hearing conference for November 30, 2016. The Director held a pre-hearing conference on November 30, 2016. Based upon and consistent with discussions at the pre-hearing conference, the Director will schedule a hearing date, authorize discovery, and adopt a schedule as follows.

NOTICE OF HEARING

The Director hereby gives notice that a hearing will be held on **April 11, 2017, beginning at 9 a.m. (MDT)**, and continuing on April 12 and 13, 2017, if necessary, at the **Arco-Butte Business Center, located at 159 N. Idaho St., Arco, Idaho, 83213**. The presiding officer will be Director Gary Spackman.

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the Department, IDAPA 37.01.01. A copy of the Rules of Procedure may be obtained from the Department upon request.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please contact Deborah Gibson at (208) 287-4803, no later than five (5) days prior to the hearing.

ORDER AUTHORIZING DISCOVERY AND SCHEDULING ORDER

IT IS HEREBY ORDERED that the parties are authorized to conduct and engage in discovery. IDAPA 37.01.01.521.

IT IS FURTHER ORDERED that the following schedule is ADOPTED:

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| Dec. 13, 2016 | Deadline for filing petitions to intervene with the Department pursuant to the Department's Rules of Procedure 350-352. IDAPA 37.01.01.350-352. Petitions to intervene must contain a statement of issues the intervenor intends to address at hearing. |
| Mar. 14, 2017 | Deadline for parties to serve upon the Department and other parties a list of witnesses they may call at hearing. By this deadline, the Department will also serve upon the parties a list of employees that may testify at hearing. |
| Apr. 4, 2017 | Deadline for parties to serve upon the Department and other parties copies of the exhibits they intend to rely upon at hearing. Three copies of each exhibit must be physically received by the presiding officer by this deadline. The presiding officer's mailing address is P.O. Box 83720, Boise, Idaho 83720-0098. |

Dated this 1st day of December, 2016.



GARY SPACKMAN
Director


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of December, 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
Marshal Todd Perkes 2790 N 3325 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
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
Mike Telford Telford Lands, LLC 1450 W. Highway 24 Paul, Idaho 83347-8666	<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
Mitchell D. Sorensen 3871 W. 2500 N. 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
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

Young Harvey Walker 2338 N. 2930 W. 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
Joel Andersen Chairman Big Lost River Irrigation District P.O. Box 205 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
Kent Harwood Big Lost River Irrigation District P.O. Box 205 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
Max Bingham Big Lost River Irrigation District P.O. Box 205 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
Larry Jensen Big Lost River Irrigation District P.O. Box 205 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
Jim Rindfleisch Big Lost River Irrigation District P.O. Box 205 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
Vernon Roche 5411 Old Chilley Rd 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
Shane Rosenkrance 5532 Barton Flat Rd 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

Shawn Anderson 3650 N 3650 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
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