

ADMINISTRATIVE MEMORANDUM

MISCELLANEOUS NO. 10

TO: ALL DEPARTMENT HEARING OFFICERS AND REGIONAL MANAGERS

FROM: NORM YOUNG *NY*

DATE: JULY 21, 1993

SUBJECT: INDEXING OF PRECEDENTIAL AGENCY ORDERS

The amended Administrative Procedures Act effective 7/1/93 requires the Department to have on file, at the state office and each regional office, an index of all final written agency orders that the agency intends to rely on as precedent. These orders are to be indexed both by name and subject.

Following is a short summary of how to use the attached subject index.

1. Roman Numerals I - IX of the index determine the "main subject". Therefore, you will first need to determine if the information you are seeking pertains to a: New application, amendment, transfer, exchange, unique use, voided permits, instream flows, cease & desist orders, IWRB orders, extensions of time or well drillers.

2. The second step is to determine the sub-category of the main subjects listed above. These are listed in the table of contents under letters A -D.

3. In some cases, you will need to take the process one more step by determining the specific issue being addressed. These issues are listed under numbers 1 - 6 of the table of contents.

Here is an example:

You wish to locate any precedential agency orders issued in reference to a new application for surface water. The application is being protested because of potential impact on other water rights.

1. First determine the "main subject." i.e. New Application.
2. Determine the sub-category. i.e. Surface Water.
3. Determine the specific issue being addressed. i.e. Impact on other water rights.

- I. New Applications
  - B. Surface Water
    2. Impact on Other Water Rights

(These are found on page 12)

On page 12 of the index is a short narrative of each precedential

order issued that addresses this topic. Should you wish to look at the entire order, it can be obtained from the water right file.

The indexes will need to be maintained and updated as each precedential agency order is issued. The hearing officer is responsible for writing a short synopsis or narrative of the issues and principles after the Department issues a final order. The narrative should also include the key words such as the main subject, sub-category, and specific issue being addressed as described above. This narrative should be forwarded to the Water Allocations Bureau Chief who will decide on its "precedence" to the agency. If a determination is made to include it in the index, the narrative will then be forwarded to Karen Gustafson who will add it to the index and make copies of the appropriate pages to forward to the regional offices. The Precedential Agency Order Index will be maintained in the same manner as the Administrative Memorandum Index.

The indexes are to be on file for public use. However, during the compilation process, we have found that the indexes can also be a useful tool for Department Hearing Officers to use to obtain orders or specific language to use when preparing another order in reference to the same subject.

Attachments to the Memorandum to Regional Offices Only:  
Initial Subject Index of Precedential Agency Orders  
Initial Name Index of Precedential Agency Orders

State Office Index can be found in Karen Gustafson's office

NAME INDEX OF PRECEDENTIAL AGENCY ORDERS

Anthony, George	51-07128A
Bloch, Thomas	63-11297
Bruneau Buckaroo Coop Ditch	51-00004B
Connolly, Wallace	63-11505
Dept of Fish & Game	63-11705
Dobson, Steve et al	65-03104
Enright, Lee	37-00863
Faulkner Land & Livestock	37-08005
Gardiner, Nathan	43-02409
James, Larry	63-08825
Matthews, Ennis B	45-00087B
Pisces Investment Inc	36-08356
Rim Ranches	63-11551 and 63-11474
Roundy, William and Barbara	31-02319 and 31-02320
Ruhter, Devon	47-07524
Schwendiman, David/Val et al	22-07484
Seefried, William	34-07171
Simonson, Von N	13-07451
Spillett, James Juan	41-00013 and 41-00008

SUBJECT INDEX OF PRECEDENTIAL AGENCY ORDERS

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