RECEIVED
AUG 1 2 2005
DEPARTMENT OF
WATER RESOURCES

DANIEL V. STEENSON (ISB #4332)
CHARLES L. HONSINGER (ISB #5240)
S. BRYCE FARRIS (ISB #5636)
JON GOULD (ISB # 6709)
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657
Attorneys for Petitioner

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHTS NOS. 36-02356A, 36-07210, AND 36-07427	**PETITION FOR DISQUALIFICATION OF THE DIRECTOR AND IDWR PERSONNEL AS THE PRESIDING OFFICER**

Blue Lakes Trout Farm, Inc. (Blue Lakes), by and through its counsel, files this Petition For Disqualification of the Director and IDWR Personnel as the Presiding Officer within 14 days after the Director's July 29, 2005 *Order on Requests for Hearing, Stay, Reconsideration, Independent Hearing Officer, Discovery, and Petitions for Intervention* (Order), in which the Director gave notice that he would preside over the hearing in the above-captioned matter.

Blue Lakes hereby asserts its right, pursuant to Idaho Code § 67-5252 (1), to disqualification of the Director, without cause, as the presiding officer in the hearing on this matter.

Blue Lakes further seeks blanket disqualification for cause, pursuant to Idaho Code § 67-5252 (2) of all IDWR employees as the presiding officer in the hearing on this contested case. Blue Lakes is entitled to a hearing conducted by a person who will be objective and unbiased, and will

ORIGINAL

hear the evidence and arguments with an open mind. IDWR employees who report to the Director cannot be objective or unbiased, or have an open mind, in a hearing in which the Director's findings of fact, conclusions of law, and actions are contested. Many IDWR employees have likely been involved in preparing the Director's order, precluding their objective review of the evidence and arguments that will be presented. Such employees will also likely be fact witnesses. As a result, IDWR employees cannot provide Blue Lakes a meaningful opportunity to be heard, consistent with Blue Lakes' due process rights.

Dated this 12th day of August, 2005.

RINGERT CLARK, CHARTERED

By: _____

Daniel V. Steenson
Ringert Clark Chartered
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of August, 2005, I served a true and correct copy of the foregoing by delivering the same to each of the following individuals by the method indicated below, addressed as follows:

Jeffrey C. Fereday Michael C. Creamer GIVENS PURSLEY LLP 601 Bannock Street, Suite 200 P.O. Box 2720 Boise, Idaho 83701-2720	X U. S. Mail ____ Facsimile ____ Overnight Mail ____ Hand Delivery ____ E-mail
Mr. Karl J. Dreher Director Idaho Dept. Of Water Resources 322 East Front Street Boise, Idaho 83720-0098	____ U. S. Mail ____ Facsimile ____ Overnight Mail X Hand Delivery ____ E-mail

Daniel V. Steenson