

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

<b>IN THE MATTER OF THE PETITION</b>	)	
<b>FOR DELIVERY CALL OF A&amp;B</b>	)	<b>NOTICE OF ISSUANCE OF</b>
<b>IRRIGATION DISTRICT FOR THE</b>	)	<b>HEARING OFFICER'S</b>
<b>DELIVERY OF GROUND WATER AND</b>	)	<b>OPINION CONSTITUTING</b>
<b>FOR THE CREATION OF A GROUND</b>	)	<b>FINDINGS OF FACT,</b>
<b>WATER MANAGEMENT AREA</b>	)	<b>CONCLUSIONS OF LAW</b>
_____	)	<b>AND RECOMMENDATIONS</b>

PLEASE TAKE NOTICE, that the Honorable Gerald F. Schroeder, Hearing Officer in this matter has issued his Opinion Constituting Findings of Fact and Conclusions of Law and Recommendations. A copy of the Opinion is being served upon counsel for the active parties by the method indicated, and is made available to all other parties.

By U.S. Mail and Electronic Mail:

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A copy of the opinion will be made available to any other party upon request. The document can be viewed on IDWR's web page at: [www.idwr.idaho.gov](http://www.idwr.idaho.gov) under the heading of Major Issues, A&B Irrigation Delivery Call.

DATED this 27<sup>th</sup> day of March, 2009.

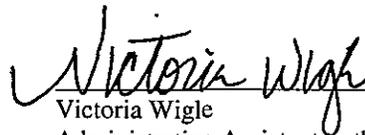
  
\_\_\_\_\_  
Victoria Wigle  
Administrative Assistant to the Director  
Idaho Department of Water Resources

**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the attached document on the persons listed below by mailing in the United States mail, first class, with the correct postage affixed thereto on the 27<sup>th</sup> day of March 2009.

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 Victoria Wigle  
 Administrative Assistant to the Director  
 Idaho Department of Water Resources

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
RECOMMENDED ORDER**

(Required by Rule of Procedure 720.02)

The accompanying order is a "**Recommended Order**" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

**PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3), Idaho Code.

**EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

**ORAL ARGUMENT**

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

Any petition for reconsideration or other motion to the hearing officer shall be served upon all other parties to the proceeding. All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the recommended order shall be served on all other parties to these proceedings in accordance with Rules of Procedure 302 and 303.

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The agency may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.