

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

IN THE MATTER OF DISTRIBUTION OF WATER )  
TO VARIOUS WATER RIGHTS HELD BY OR FOR )  
THE BENEFIT OF A&B IRRIGATION DISTRICT, ) **ORDER RESCINDING**  
AMERICAN FALLS RESERVOIR DISTRICT #2, ) **INTERLOCUTORY ORDER**  
BURLEY IRRIGATION DISTRICT, MILNER ) **OF JUNE 30, 2009**  
IRRIGATION DISTRICT, MINIDOKA IRRIGATION )  
DISTRICT, NORTH SIDE CANAL COMPANY, )  
AND TWIN FALLS CANAL COMPANY )  
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On June 30, 2009, the Director of the Idaho Department of Water Resources (“Director” or “Department”) issued an interlocutory order entitled *Order Regarding Protocol for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* (“Interlocutory Order”). IDAPA 37.01.01.711 states in pertinent part as follows: “The officer issuing an interlocutory order may rescind, alter or amend any interlocutory order on the officer’s own motion, but will not on the officer’s own motion review any interlocutory order affecting any party’s substantive rights without giving all parties notice and an opportunity for written comment.”

Because the Interlocutory Order has been issued, but has not been applied, no substantive rights of any party have been affected and the Director may rescind the Interlocutory Order upon his own motion. IDAPA 37.01.01.711.

**ORDER**

Based upon and consistent with the foregoing, the Director hereby orders as follows:

The *Order Regarding Protocol for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* is hereby RESCINDED.

Dated this 5<sup>th</sup> day of November, 2009.

  
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GARY SPACKMAN  
Interim Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5<sup>th</sup> day of November, 2009, the above and foregoing, was served by the method indicated below, and addressed to the following:

John K. Simpson BARKER ROSHOLT & SIMPSON, LLP P.O. Box 2139 Boise, ID 83701 <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a>	<input checked="" 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
Travis L. Thompson Paul L. Arrington BARKER ROSHOLT & SIMPSON, LLP P.O. Box 485 Twin Falls, ID 83303 <a href="mailto:tlt@idahowaters.com">tlt@idahowaters.com</a> <a href="mailto:pla@idahowaters.com">pla@idahowaters.com</a>	<input checked="" 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
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Kathleen Carr US Dept. Interior 960 Broadway Ste 400 Boise, ID 83706	<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

<p>Matt Howard  US Bureau of Reclamation  1150 N Curtis Road  Boise, ID 83706-1234  <a href="mailto:mhoward@pn.usbr.gov">mhoward@pn.usbr.gov</a></p>	<input checked="" 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
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Victoria Wigle  
Administrative Assistant to the Director