

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

IN THE MATTER OF ACCOUNTING)	
FOR DISTRIBUTION OF WATER)	ORDER STAYING
TO THE FEDERAL ON-STREAM)	PROCEEDING
RESERVOIRS IN WATER)	
DISTRICT 63)	
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On October 22, 2013, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) signed an order initiating a contested case and formal proceeding to address objections of certain water users to how water is counted or credited toward the fill of water rights for the federal on-stream reservoirs in Water District 63 (“WD63”), titled *Notice of Contested Case and Formal Proceedings, and Notice of Status Conference* (“Order”). The Order established a deadline of December 4, 2013, for water users with the right to divert, store, or use water in WD63 to submit objections to or statements in support of the current accounting method. On December 6, 2013, the Director conducted a status conference, for the contested case at the State Office of the Department in Boise, Idaho.

On or before the December 4, 2013 deadline, the Department received comments from numerous water users and entities. One procedural issue raised was whether this proceeding should be stayed in light of the appeal pending before the Idaho Supreme Court involving Basin-Wide Issue No. 17 (“BWI-17”), Idaho Supreme Court Docket No. 40976-2013. Proponents of a stay argued that, because the issues on appeal in the BWI-17 proceeding could impact the issues in the contested case for water accounting in WD63, the contested case should be stayed until a decision has been issued by the Idaho Supreme Court.

Upon consideration of the written comments submitted to the Department and testimony provided at the status conference held in this matter, the Director agrees this proceeding should be stayed until after the issuance of a decision by the Idaho Supreme Court in the BWI-17 appeal.

ORDER

IT IS THEREFORE ORDERED that the contested case entitled “In the Matter of Accounting for Distribution of Water to the Federal On-Stream Reservoirs in Water District 63” shall be stayed pending the Idaho Supreme Court’s issuance of its written decision in Idaho Supreme Court

Docket No. 40976-2013. A similar order is being issued in the contested case entitled “In the Matter of Accounting for Distribution of Water to the Federal On-Stream Reservoirs in Water District 1.”

Dated this 27th day of December, 2013.


GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of December, 2013, I served the foregoing *ORDER STAYING PROCEEDING* on the following and by the method indicated below:

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