

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

IN THE MATTER OF DISTRIBUTION OF )  
 WATER TO WATER RIGHTS NOS. )  
 36-04013A, 36-04013B, AND 36-07148 )  
 (SNAKE RIVER FARM) )

IN THE MATTER OF THE THIRD )  
 MITIGATION PLAN (OVER-THE-RIM) )  
 OF THE NORTH SNAKE AND MAGIC )  
 VALLEY GROUND WATER DISTRICTS )  
 TO PROVIDE REPLACEMENT WATER )  
 FOR CLEAR SPRINGS SNAKE RIVER )  
 FARM )  
 (Water District Nos. 130 and 140) )

**ORDER APPOINTING  
 HEARING OFFICER;  
 GRANTING PETITION  
 TO INTERVENE; AND  
 CONSOLIDATING MATTERS  
 FOR HEARING**

Clear Springs Foods, Inc., on April 20, 2009, filed a timely protest and request for hearing in response to publication of the *Third Mitigation Plan (Over-the-Rim) of North Snake Ground Water District and Magic Valley Ground Water District*. On April 22, 2009, the Idaho Dairymen’s Association filed an *Amended Petition to Intervene* in this matter, to which no objection was made.

On April 9, 2009, the Director of the Idaho Department of Water Resources (“Department” or “Director”) issued his *Order Denying Clear Springs Foods, Inc.’s Petition for Reconsideration; and Granting Request for Hearing* in a related proceeding which provided that “The requested hearing on the Department’s ‘post-audit’ of the Ground Water Districts’ prior mitigation actions shall be consolidated with any hearing to be held on the Ground Water Districts’ Third Mitigation Plan.”

Now, therefore, the Director enters the following order providing for a contested case hearing in this matter:

**ORDER**

IT IS HEREBY ORDERED that the above-captioned matter is designated a contested case before the Department; and good cause having been shown, the *Amended Petition to Intervene* of the Idaho Dairymen’s Association in this matter is granted.

IT IS FURTHER ORDERED that the hearing requested in a related proceeding by Clear Springs Foods, Inc. on the Department's "post-audit" of the Ground Water Districts' prior mitigation actions shall be consolidated with the hearing in the present matter.

IT IS FURTHER ORDERED that Gerald F. Schroeder is hereby appointed to serve as hearing officer, and is authorized to conduct a hearing in these consolidated matters on behalf of the Department and to issue a recommended order pursuant to IDAPA Rule 37.01.01.410 and - 413 and the provisions of chapter 52, title 67, Idaho Code.

IT IS FURTHER ORDERED that any petition for intervention in this proceeding shall be considered only if the persons or entities seeking intervention agree to accept the appointed hearing officer.

IT IS FURTHER ORDERED that the Director maintains jurisdiction over the ongoing administration of all water rights affected by this proceeding.

IT IS FURTHER ORDERED that the original of all documents and pleadings filed in this matter shall be served upon the Department c/o Victoria Wigle, Administrative Assistant to the Director, with a copy served upon the Hearing Officer.

Dated this 15<sup>th</sup> day of May, 2009.

  
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DAVID R. TUTHILL, JR.  
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15<sup>th</sup> day of May 2009, the above and foregoing, was served by the method indicated below, and addressed to the following:

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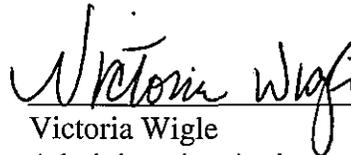
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Idaho Department of Water Resources