

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

IN THE MATTER OF DISTRIBUTION)	
OF WATER TO WATER RIGHTS)	NOTICE OF CONTESTED CASE
NOS. 36-15501, 36-02551, AND 36-07694)	AND NOTICE OF STATUS
_____)	CONFERENCE

NOTICE OF CONTESTED CASE

On February 25, 2004, the Director of the Idaho Department of Water Resources (“Department” or “Director”) issued an *Order* in this matter in response to letters from Rangen, Inc. requesting administration of all junior priority water rights that interfere with the delivery of water to three Rangen water rights on a priority basis. The *Order* directs the watermaster for Water District No. 130 to advise the holders of certain consumptive ground water right holders that they are not to divert ground water beginning April 1, 2004, unless sufficient replacement water is provided as set forth in the *Order*. On March 10, 2004, the Director issued an *Amended Order* modifying the amount of replacement water that the junior ground water right holders are required to provide. A copy of the *Amended Order* can be viewed on the Department’s website at www.idwr.state.id.us under News & Events.

Both the *Order* and the *Amended Order* provided:

“[A]ny person aggrieved by the decision shall be entitled to a hearing before the Director to contest the action taken provided the person files with the Director, within fifteen (15) days after receipt of written notice of the order, or receipt of actual notice, a written petition stating the grounds for contesting the action and requesting a hearing. Any hearing conducted shall be in accordance with the provisions of chapter 52, title 67, Idaho Code, and the Rules of Procedure of the Department, IDAPA 37.01.01. Judicial review of any final order of the Director

issued following the hearing may be had pursuant to Section 42-1701A(4), Idaho Code.

On March 11, 2004, the Idaho Dairymen's Association filed with the Department a *Petition Requesting An Idaho Code Section 42-1701A Hearing, Request For Stay Of Delivery Call Order, And Petition To Intervene*. The petition seeks a hearing before the Department, pursuant to the provisions of Idaho Code § 42-1701A(3), to contest the Director's order of February 25, 2004. Additionally, the petition requests that the *Order* be stayed pending a final resolution of this matter. The Department also received formal requests for a hearing in this matter on March 10, 2004, from Jerry and Patty Nance of Dietrich, Idaho, on behalf of themselves and on behalf of Shaw Land and Livestock of Dietrich, Idaho.

Idaho Code § 42-1701A(3) provides that upon the filing of a petition by a person entitled to a hearing under the provisions of the statute, the Director "shall give such notice of the petition as is necessary to provide other affected persons an opportunity to participate in the proceeding." The Department shall provide notice of this contested case proceeding via email to a list of persons and entities considered most likely to be affected by the Petitioners' challenge to the Director's *Order* of February 25, 2004, and the *Amended Order* of March 10, 2004.

Any person or entity desiring to participate as a party in this contested case proceeding shall file a petition requesting a hearing, pursuant to Idaho Code § 42-1701A(3), or a petition to intervene in this proceeding, on or before March 25, 2004, with the Director, Idaho Department of Water Resources, 1301 North Orchard St., Boise, Idaho 83706-2237, showing service upon all parties to the proceeding. The petition to intervene should be in conformance with Rules 351 and 352 of the Department's Rules of Procedure.

NOTICE OF STATUS CONFERENCE

NOTICE IS HEREBY GIVEN that the Director will preside over a telephonic status conference at 10:00 a.m., Monday, March 15, 2004. Participants in the telephonic status conference must use the following telephone number _____ and provide the following code _____ when requested by the operator.

IT IS HEREBY ORDERED

Dated this 11th day of March 2004.



Karl J. Dreher
Director