

BEFORE THE DEPARTMENT OF WATE RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF SNAKE RIVER)
BASIN ADJUDICATION WATER)
RIGHT NOS. 29-00271, 29-00272,)
29-00273, 29-02274, 29-02338, 29-02354,)
29-02382, 29-02401, 29-02499,)
29-04221, 29-04222, 29-04223, 29-04224,)
29-04225, 29-04226, 29-07106,)
29-07118, 29-07119, 29-07222, 29-07322,)
29-07375, 29-07431, 29-07450,)
29-07502, 29-07770, 29-07782, 29-11339,)
29-11344, 29-11348, 29-13558, 29-13559,)
29-13560, 29-13561, 29-13562, 29-13636,)
29-13637, 29-13638 & 29-13639)
_____)

NOTICE OF FACT-
FINDING HEARING

On August 18, 2006, Special Master Bilyeu of the Snake River Basin Adjudication ("SRBA") District Court issued an *Order on Summary Judgment* on the City of Pocatello's objections to the conditions recommended by the Idaho Department of Water Resources ("IDWR") to prevent injury to other water rights that might otherwise occur as a result of the accomplished changes in its water rights claimed by the City of Pocatello pursuant to I.C. § 42-1425. The Special Master remanded the claims to IDWR for the purpose of allowing the City of Pocatello to present additional evidence and information regarding those conditions.

IDWR has scheduled the above captioned matter for a fact-finding hearing beginning on **Monday, January 29, 2007 at 9:30 a.m. and concluding no later than Wednesday, January 31, 2007** at the offices of IDWR, located at 322 East Front Street, Boise, ID 83720. The fact-finding hearing will be held in accordance with the provisions of Idaho Code § 42-1410(1) and the Rules of Procedure of the Department. A copy of the rules may be obtained from IDWR upon request. The presiding officer at the hearing will be Roger Warner.

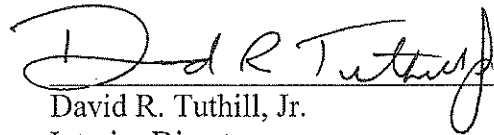
The purpose of this fact-finding hearing is to allow Pocatello to present evidence and information concerning the conditions related to injury recommended by IDWR. Thus, the parties are requested to bring to the hearing all information concerning the above-captioned SRBA water right recommendations which are subject to the Special Master's remand including documents, witnesses and other explanatory data. Because this is only a fact-finding hearing, cross-examination of witnesses will not be permitted.

At the conclusion of the hearing, IDWR will take any new information into consideration and file a *Supplemental 706 Report* with the SRBA Court on or before February 9, 2007. No separate appeal of the determination of IDWR shall be allowed. If any of the parties are dissatisfied with the determination of IDWR, the sole remedy shall be the trial in this matter scheduled to commence on February 26, 2007 before the SRBA Court.

The fact-finding hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise IDWR within five (5) days prior to the hearing.

All parties to this matter will have the opportunity to respond and present information and argument on the issue involved.

Dated this 19th day of January, 2007.



David R. Tuthill, Jr.
Interim Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of January, 2007, the above and foregoing, was served by the method indicated below, and addressed to the following:

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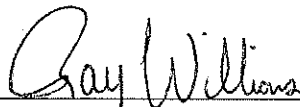
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