

IN THE MATTER OF SNAKE RIVER)
BASIN ADJUDICATION WATER)
RIGHT NOS. 63-166B, 63-167B &)
63-179C)
_____)

**NOTICE OF I.C. § 42-1425
FACT-FINDING HEARING**

On October 22, 2010, Special Master Booth of the Snake River Basin Adjudication ("SRBA") District Court issued a *Memorandum Decision and Order on Motions for Summary Judgment, Order Requiring Pioneer to File a Statement Regarding Injury and/or Enlargement, Order Setting Status Conference* ("Order") relating, in part, to Pioneer Irrigation District's ("Pioneer") objections to water rights recommended by the Idaho Department of Water Resources ("IDWR") to claimants Franklin Ditch Company, Inc. ("Franklin") and Mason Creek Ditch Company ("Mason Creek"). On October 29, 2010, Pioneer filed a statement regarding injury and enlargement to support its request for remand and hearing pursuant to I.C. § 42-1425(2)(a). On November 1, 2010, the Special Master determined Pioneer's statement regarding injury and enlargement met the conditions of his Order and remanded the above claims to IDWR for the purpose of allowing Pioneer, Franklin and Mason Creek (collectively, "the Parties") to present additional evidence and information regarding injury and/or enlargement.

IDWR has scheduled the above captioned matter for a fact-finding hearing on **Tuesday, December 14, 2010, at 10:00am** at the offices of IDWR, located at 322 East Front Street, Boise, ID 83720. IDWR employee, Jan Shurte, will conduct the hearing. The hearing will be recorded.

The purpose of this fact-finding hearing is to allow the Parties to present IDWR with information regarding injury and enlargement. This would include, but is not limited to, documents, briefing, written statements from Party witnesses, or other explanatory data. Parties shall pre-file all information with IDWR, to the attention of Ms. Shurte, on or before December 6, 2010. All information filed with IDWR shall be contemporaneously served upon the Parties. At the hearing, the Parties shall be entitled to present argument regarding the submitted information and present any rebuttal information in written form. No testimony of any kind will be permitted at the hearing.

After the conclusion of the hearing, IDWR will review the information and argument and file a *Supplemental 706 Report* with the SRBA Court pursuant to I.C. § 42-1425. If any of the Parties are dissatisfied with the determination of IDWR, the sole remedy shall be the trial in this matter to be scheduled at a later time by Special Master Booth. No separate appeal of IDWR's determination in the matter shall be allowed.

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.

Dated this 9th day of November, 2010.

 for _____
Gary Spackman
Interim Director

CERTIFICATE OF SERVICE

I certify that on November 9, 2010, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☒ Facsimile

2. Copies to:

PIONEER IRRIGATION DISTRICT
Represented by:
SCOTT C. CAMPBELL
DYLAN B. LAWRENCE
ANDREW J. WALDERA
101 S. CAPITOL BLVD. 10TH FLOOR
P.O. BOX 829
BOISE, ID 83701-0829

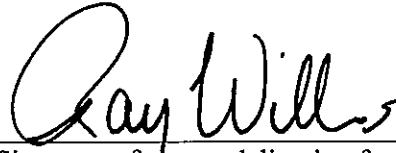
FRANKLIN DITCH CO.
Represented by:
DANIEL V. STEENSON
JON C. GOULD
455 S. THIRD ST.
P.O. BOX 2773
BOISE, ID 83701-2773

MASON CREEK DITCH CO.
Represented by:
ALBERT P. BARKER
1010 W. JEFFERSON, STE. 102
P.O. BOX 2139
BOISE, ID 83701-2139

MARTIN GALVIN
P.O. BOX 115
MIDDLETON, ID 83644

JOHN J. MC EVOY
1703 N. KCID RD.
CALDWELL, ID 83605

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in black ink, appearing to read "Ray Willis", written over a horizontal line.

Signature of person delivering form