

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

IN THE MATTER OF APPLICATION FOR	)	
TRANSFER NO. 85491 IN THE NAME OF	)	NOTICE OF INFORMAL
CITY OF HAGERMAN	)	PROCEEDINGS
_____	)	

BACKGROUND

On October 26, 2021, CITY OF HAGERMAN (“City”), filed Application for Transfer No. 85491 (“Application”) with the Idaho Department of Water Resources (“Department”). On December 2 and 9, 2021, the *Times News* published notice of Transfer No. 85491. No protests were filed against the application.

On February 1, 2022, the Department issued a preliminary order approving Transfer No. 85491 (“Order”) with conditions. On February 15, 2022, the Department received the City’s letter “*contesting the preliminary order*” and requesting a hearing pursuant to Idaho Code § 42-1701A(3) to review the Order (“Hearing Request”). The Hearing Request was filed timely.

On April 6, 2022, and June 8, 2022, the Department’s Hearing Officer held prehearing conferences to prepare for the requested hearing. At the June 8, 2022, prehearing conference, the City’s consultant, J-U-B Engineers, Inc. (“J-U-B”), showed that it is compiling and analyzing data to support the Hearing Request. Later on June 8, 2022, the City’s attorney sent an email stating the City’s desire for J-U-B to meet informally with Department staff members to “sift through the information further.”

AUTHORITIES

Rule 100.01 of the Department’s Rules of Procedure (IDAPA 37.01.01.100.01) defines informal proceedings as, “wholly administrative evaluations and processes, without a presiding officer and hearing record to be preserved for later agency or judicial review, and with representation according to Rule 201.01.”

Rule 100.03 of the Department’s Rules of Procedure (IDAPA 37.01.01.100.03) states, “The agency may also utilize informal proceedings, such as settlement conferences, any time after commencement of a formal proceeding.”

Rule 101.03 of the Department’s Rules of Procedure (IDAPA 37.01.01.101.03) states:

During informal proceedings the agency may stay the contested case at the request of the applicant or petitioner, upon stipulation of the parties, when the agency determines that such delay will assist the agency in resolving or deciding the contested case, or when an agency moratorium prevents consideration of the application or petition.

CONCLUSIONS OF LAW

Informal proceedings may assist in resolving this contested case. The Hearing Officer should stay the formal proceeding and authorize the City and Department staff to engage in informal discussions in this matter.

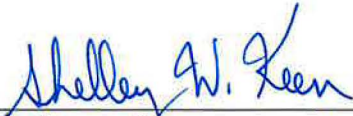
ORDER

IT IS HEREBY ORDERED that discussions to resolve the Hearing Request in the matter of Transfer No. 85491 shall proceed informally for an indefinite period.

IT IS FURTHER HEREBY ORDERED that the Department shall notify the Hearing Officer when the informal proceedings have resolved the case or when it determines that informal proceedings are unlikely to resolve the case and a hearing is needed.

IT IS FURTHER HEREBY ORDERED that the formal proceedings in this matter are stayed during the informal proceedings.

Dated this 27th day of June, 2022



Shelley W. Keen
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of June, 2022, true and correct copies of the document described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Documents Served: Notice of Informal Proceedings

JUB ENGINEERS INC
C/O GARY HADERLIE
2114 VILLAGE PARK AVE STE 100
TWIN FALLS ID 83301-4172
ghaderlie@jub.com
*Consultant for the City of Hagerman
Applicant*

- ☐ U.S. Mail, Certified, postage prepaid
- ☒ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

TRAVIS THOMPSON
SARAH HIGER
BARKER ROSHOLT & SIMPSON
PO BOX 63
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tlh@idahowaters.com
swh@idahowaters.com
*Attorney for Island High Line Ditch Company
Protestant*

- ☐ U.S. Mail, Certified, postage prepaid
- ☒ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

IDAHO DEPT PARKS & RECREATION
ERIK BUSH
PO BOX 83720
BOISE ID 83720-0065
erik.bush@idpr.idaho.gov
Water Right Owner

- ☐ U.S. Mail, Certified, postage prepaid
- ☒ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Facsimile
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IDAHO DEPT OF WATER RESOURCES
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Agency

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- ☒ Email



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Technical Records Specialist II