

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 37-23059 IN THE) ORDER VACATING HEARING
NAME OF THE CITY OF GOODING)
_____)

On November 14, 2019, the Idaho Department of Water Resources (Department) issued a Notice of Hearing scheduling the above contested matter for hearing to be held on January 28, 2020.

On January 27, 2020, the Department received notice from the applicant that it had entered into settlement agreements with each of the protestants and that the scheduled hearing should be vacated. The applicant has provided a copy of settlement agreements that conditionally withdraw each of the protests to this application for permit.

ORDER

IT IS HEREBY ORDERED that the administrative hearing scheduled for January 28, 2020 is vacated. The Department should complete its review of Application 37-23059 and determine whether the conditions proposed in the settlement agreements should be incorporated into a permit approval.

Dated this 27th day of January, 2020



Nick Miller
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27 day of January 2020, 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:

Document Served:

- Order Vacating Hearing

CITY OF GOODING
C/O ROBERT L. HARRIS AND LUKE H.
MARCHANT
HOLDEN, KIDWELL, HAHN & CRAPO,
PLLC
1000 RIVERWALK DR STE 200
PO BOX 50130
IDAHO FALLS ID 83405

BIG WOOD CANAL COMPANY
C/O W. KENT FLETCHER
FLETCHER LAW OFFICE
PO BOX 248
BURLEY ID 83318

UNITED STATES DEPARTMENT OF
THE INTERIOR
BUREAU OF LAND MANAGEMENT
C/O FRED PRICE
IDAHO STATE OFFICE
1387 SOUTH VINNELL WAY
BOISE ID 83709-1657

IDAHO CONSERVATION LEAGUE
C/O MARIE CALLAWAY KELLNER
PO BOX 844
BOISE ID 83701

IDAHO POWER COMPANY AND
THOMAS O'GARA FAMILY TRUST
C/O JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON ST
PO BOX 2139
BOISE ID 83701

SOUTH VALLEY GROUND WATER
DISTRICT
C/O ALBERT P. BARKER
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON ST
PO BOX 2139
BOISE ID 83701

IDAHO DEPARTMENT OF FISH AND
GAME
C/O DARRELL G. EARLY AND
MICHAEL C. ORR
OFFICE OF THE ATTORNEY GENERAL
NATURAL RESOURCES DIVISION
PO BOX 83720
BOISE ID 83720-0010


Kensie Thorneycroft
Administrative Assistant 1



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 28, 2020

CITY OF GOODING
C/O ROBER L HARRIS AND LUKE H MARCHANT
HOLDEN, KIDWELL, HAHN & CRAPO PLLC
1000 RIVERWALK DR STE 200
PO BOX 50130
IDAHO FALLS ID 83405

Re: Application for Permit No: 37-23059

Dear Applicant:

Enclosed is an Order Vacating Hearing for Permit No. 37-23059 in the name of City of Gooding. A scanned copy of the enclosed documents were emailed to all parties on January 27, 2020.

If you have questions regarding the enclosed documents, would like additional information, or need to further discuss the process, please feel free to contact the Western Regional Office at 208-334-2190.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft', is written over a light blue circular stamp. The signature is fluid and cursive.

Kensie Thorneycroft
Administrative Assistant
Western Regional Office

Enclosures

CC
BIG WOOD CANAL COMPANY
BUREAU OF LAND MANAGEMENT
IDAHO CONSERVATION LEAGUE
IDHAO POWER COMPANY
THOMAS O'GARA FAMILY TRUST
SOUTH VALLEY GROUND WATER DISTRICT
IDAHO DEPARTMENT OF FISH AND GAME

Skinner, Corey

From: Miller, Nick
Sent: Monday, January 27, 2020 1:17 PM
To: Rob Harris
Cc: Kent Fletcher (wkf@pmt.org); fwprice@blm.gov; 'Fredric_Price@blm.gov'; 'Marie Kellner (mkellner@idahoconservation.org)'; John Simpson (jks@idahowaters.com); Barker, Albert (IWRB Member); Orr, Michael; Skinner, Corey; Hummer, Phill
Subject: RE: Application for Permit No. 37-23059 (City of Gooding); Stipulation for Withdrawal of Protests
Attachments: 37-23059_Hearing Vacate 012720.pdf

Dear Parties,

Mr. Harris sent me a copy of a settlement with BLM this morning. I am placing the attached order vacating tomorrow's hearing in the mail today.

Please let me know if you have any questions in this matter.

Nick.

From: Miller, Nick
Sent: Friday, January 24, 2020 3:41 PM
To: 'Rob Harris' <rharris@holdenlegal.com>
Cc: Kent Fletcher (wkf@pmt.org) <wkf@pmt.org>; fwprice@blm.gov; 'Fredric_Price@blm.gov' <Fredric_Price@blm.gov>; 'Marie Kellner (mkellner@idahoconservation.org)' <mkellner@idahoconservation.org>; John Simpson (jks@idahowaters.com) <jks@idahowaters.com>; Barker, Albert (IWRB Member) <apb@idahowaters.com>; Orr, Michael <michael.orr@ag.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Subject: RE: Application for Permit No. 37-23059 (City of Gooding); Stipulation for Withdrawal of Protests

Thank you for the update. I will keep an eye on my email in case you and the BLM reach a settlement before Tuesday or otherwise decide to postpone or cancel the hearing.

Nick.

From: Rob Harris [<mailto:rharris@holdenlegal.com>]
Sent: Friday, January 24, 2020 3:31 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Cc: Kent Fletcher (wkf@pmt.org) <wkf@pmt.org>; fwprice@blm.gov; 'Fredric_Price@blm.gov' <Fredric_Price@blm.gov>; 'Marie Kellner (mkellner@idahoconservation.org)' <mkellner@idahoconservation.org>; John Simpson (jks@idahowaters.com) <jks@idahowaters.com>; Barker, Albert (IWRB Member) <apb@idahowaters.com>; Orr, Michael <michael.orr@ag.idaho.gov>
Subject: RE: Application for Permit No. 37-23059 (City of Gooding); Stipulation for Withdrawal of Protests

Hearing Officer Miller:

Attached is an updated *Stipulation to Withdraw Protests* in the above-entitled matter with John Simpson's signature included (on behalf of the Idaho Power Company and the Thomas O'Gara Family Trust).

The only remaining protestant is the Bureau of Land Management. Fred Price was out of the office for several weeks, but he and I have been corresponding, and we may have their protest resolved prior to the hearing. I will keep you posted. In any event, if the hearing does move forward, it does appear that it will be limited to the BLM right-of-way issue.

Thanks,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
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From: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Sent: Wednesday, January 22, 2020 9:18 AM
To: Rob Harris <rharris@holdenlegal.com>
Cc: Kent Fletcher (wkf@pmt.org) <wkf@pmt.org>; fwprice@blm.gov; 'Fredric_Price@blm.gov' <Fredric_Price@blm.gov>; 'Marie Kellner (mkellner@idahoconservation.org)' <mkellner@idahoconservation.org>; John Simpson (jks@idahowaters.com) <jks@idahowaters.com>; Barker, Albert (IWRB Member) <apb@idahowaters.com>; Orr, Michael <michael.orr@ag.idaho.gov>
Subject: RE: Application for Permit No. 37-23059 (City of Gooding); Stipulation for Withdrawal of Protests

Dear Parties,

I have received a stipulation to resolve the protests of Big Wood Canal Company, Idaho Conservation League, Idaho Department of Fish and Game, and South Valley Ground Water District. The United States, Idaho Power Company, and Thomas O'Gara Family Trust have not signed the stipulation nor have they disclosed witnesses or served exhibits for the hearing.

As the hearing is scheduled to be held less than a week from now, I would like to know whether settlement discussions with the remaining parties is ongoing and whether that affects the need to hold the hearing next week.

Nick.

From: Rob Harris [<mailto:rharris@holdenlegal.com>]
Sent: Tuesday, January 14, 2020 6:10 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Cc: Kent Fletcher (wkf@pmt.org) <wkf@pmt.org>; fwprice@blm.gov; 'Fredric_Price@blm.gov' <Fredric_Price@blm.gov>; 'Marie Kellner (mkellner@idahoconservation.org)' <mkellner@idahoconservation.org>; John Simpson (jks@idahowaters.com) <jks@idahowaters.com>; Barker, Albert (IWRB Member) <apb@idahowaters.com>;

Orr, Michael <michael.orr@ag.idaho.gov>

Subject: Application for Permit No. 37-23059 (City of Gooding); Stipulation for Withdrawal of Protests

Hearing Officer Miller:

Attached is a *Stipulation for Withdrawal of Protests* signed by the applicant City of Gooding that has also been signed by the South Valley Ground Water District.

We appreciate your attention to this matter. Please let me know if you have any questions.

Thanks,



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