

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

**IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 79560 IN THE NAME)
OF NORTH SNAKE GROUND WATER DIST.,)
MAGIC VALLEY GROUND WATER DIST.,)
AND SOUTHWEST IRRIGATION DIST.)
_____)**

**NOTICE OF TAKING
OFFICIAL NOTICE OF
STAFF MEMORANDUM**

On September 12, 2014, North Snake Ground Water District, Magic Valley Ground Water District, and Southwest Irrigation District filed with the Idaho Department of Water Resources (“Department”), through counsel for the Idaho Ground Water Appropriators, Inc., Application for Transfer No. 79560 (“Application”). Rangen, Inc. filed a *Notice of Protest by Rangen, Inc. to Water Right Transfer Application No. 79560*. A hearing was held on December 18, 2014, at the Idaho Department of Environmental Quality in Twin Falls, Idaho.

The parties to the above contested matter submitted the following expert reports regarding the Application:

- Brockway Engineering, P.L.L.C.—*Expert Report and Narrative Relative to Water Right Transfer No. 79560 as Part of Mitigation Plan #4 by North Snake Ground Water District, Magic Valley Ground Water District and Southwest Irrigation District* (Dec. 2, 2014).
- SPF Water Engineering—*Response to Rangen’s Protest Against IGWA’s Water Right Application for Transfer No. 79560* (Dec. 2, 2014).
- SPF Water Engineering—*Rebuttal Response to Brockway’s Expert Report and Narrative Relative to Water Right Transfer No. 79560* (Dec. 12, 2014).
- Brockway Engineering, P.L.L.C.—*Rebuttal Expert Report Water Right Transfer No. 79560 as Part of Mitigation Plan #4 by North Snake Ground Water District, Magic Valley Ground Water District and Southwest Irrigation District* (Dec. 12, 2014).

Rule 600 of the Department’s Rules of Procedure authorizes the presiding officer, the Director in this instance, to utilize the “agency’s experience, technical competence and specialized knowledge” in evaluation of evidence. IDAPA 37.01.01.600. Rule 602 allows the Director to take official notice “of any facts that could be judicially noticed in the courts of Idaho and of generally recognized technical or scientific facts within the agency’s specialized knowledge . . . including any agency staff memoranda and data.” IDAPA 37.01.01.602.

After the hearing in this matter, the Director asked Department staff to review and analyze the technical information contained in the above-described expert reports, expert testimony offered

at the hearing, and data and information in possession of the Department, and to prepare a staff memorandum regarding the Application. The staff memorandum was submitted to the presiding officer and is attached hereto as Attachment A.

The Director hereby provides notice to the parties that official notice will be taken of facts and material contained in the attached staff memorandum.

Pursuant to Rule 602, the parties shall have two weeks from the date of this *Notice of Taking Official Notice of Technical Facts* “to contest and rebut the facts or material officially noticed.” IDAPA 37.01.01.602. The staff employee responsible for the memorandum “shall be made available for cross-examination if any party timely requests their availability. *Id.*

Dated this 27th day of January 2015.



Gary Spackman
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of January 2015, a true and correct copy of the document described below was served on the parties by placing a copy of the same in the United States Postal Service, postage prepaid and properly addressed to the following:

Document Served: Notice of Taking Official Notice of Staff Memorandum

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