

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
TO LEASE WATER FOR
HYDROELECTRIC GENERATION IN THE
NAME OF THE CITY OF POCA TELLO

NOTICE OF HEARING

PLEASE TAKE NOTICE that the Director of the Department of Water Resources has scheduled a hearing on the City of Pocatello's Application to Lease Water for Hydroelectric Generation in accordance with the legal notice published by the Department on July 10 and 17, 2008. The contested case hearing is scheduled as follows:

Date: July 31, 2008
Time: 9:00 am
Place: Idaho Department of Fish and Game Magic Valley Region Office
324 S 417 E, Suite #1 (Highway 93), Jerome, ID

Timely protests in response to the published notice of the Application to Lease were filed by the following entities: Palisades Water Users, Inc., represented by attorney Robert L. Harris; New Sweden Irrigation District by Paul A. Berggren, Chairman; Idaho Irrigation District by Alan Kelsch, Board Member; Committee of Nine, represented by attorney Jerry R. Rigby; and Idaho Ground Water Appropriators, Inc., represented by attorneys Randall C. Budge and Candice M. McHugh.

Among the issues to be addressed at the hearing are the criteria identified in section 42-108B, Idaho Code, and other issues identified in the notice of the Application to Lease published by the Department. The issues include:

1. What is the applicability of the provisions of section 42-108B, Idaho Code, given the requirements of the Water District 1 Rental Pool authorized by sections 42-1763 and 42-1765, Idaho Code?
2. What are the contractual obligations of the City of Pocatello and the U. S. Bureau of Reclamation under the City's federal storage contract and what is the effect, if any, of the contractual limitations on the City's proposed lease of water pursuant to state law?
3. If the lease is approved, could other water rights senior or junior to the leased water right be injured?

The hearing will be held pursuant to section 42-108B, Idaho Code, and in accordance with the provisions of Chapter 52, Title 67, Idaho Code, and the Rules of Procedure of the Department, IDAPA 37.01.01. A copy of the rules may be obtained from the Department upon

request, or are available at the Department's Web site, <www.idwr.idaho.gov>. In order to expedite final consideration of this matter, the presiding officer at the hearing will be David R. Tuthill, Jr., Director of the Department of Water Resources.

The hearing will be conducted on the record. All parties to the matter must be represented at the hearing in person. The applicant shall bear the burden of proof for all factual issues at the hearing, and shall present evidence first at the hearing. Following presentation of evidence by the applicant, the protestants shall present evidence. The parties may file pre-hearing briefs with the Director at the hearing. Time permitting, the Director will grant an opportunity for closing arguments following presentation of the evidence.

The hearing will be conducted in accordance with the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the Department within three (3) days prior to the hearing. Inquires for special accommodations should be directed to Victoria Wigle, Administrative Assistant to the Director, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4803, fax: (208) 287-6700.

Dated this 24th day of July, 2008.



David R. Tuthill, Jr.
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of July, 2008, the above and foregoing, was served by the method indicated below, and addressed to the following:

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Karen Wood
Karen Wood
Administrative Assistant
Idaho Department of Water Resources