

BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO

I IN THE MATTER OF REQUEST FOR)	ORDER GRANTING PETITION FOR
RECOVERY AND RE-USE OF WATER)	RECONSIDERATION, ORDER
DIVERTED UNDER RIGHT 36-7201 IN)	GRANTING REQUEST FOR A
THE NAME OF CLEAR SPRINGS)	HEARING, AND NOTICE OF
<u>FOODS INC.</u>)	PREHEARING CONFERENCE

On July 1, 2005, the Idaho Department of Water Resources (IDWR) issued a preliminary order approving recovery and reuse of water diverted under water right no. 36-7201 by Clear Springs Foods Inc (Clear Springs). The recovery and reuse was authorized under Idaho Code § 42-108. A copy of the decision was mailed to Clear Springs and Catherine and Gary Wright (Wrights), holders of a water right authorizing diversion from Kanaka Creek downstream of the point of recovery diversion. An enclosure mailed with the preliminary order did not fully explain all the possible procedural remedies when a preliminary order is issued but no hearing has been held.

On July 6, 2005, the preliminary order was served again on Clear Springs and Wrights, and a document enclosed with the preliminary order fully explained the possible procedural remedies available.

On July 18, 2005, Clear Springs filed a petition for reconsideration of the preliminary order. On July 19, 2005, Catherine Wright requested a hearing regarding the preliminary order approving the rediversion and reuse of water. Both requests were timely filed.

ORDER

IT IS HEREBY ORDERED that the Request for Hearing filed by Catherine Wright is **Granted**.

IT IS FURTHER ORDERED that the Petition for Reconsideration filed by Clear Springs Foods Inc. is **Granted**.

IT IS FURTHER ORDERED that the July 1, 2005 preliminary order shall be reconsidered as part of the hearing that has been granted.

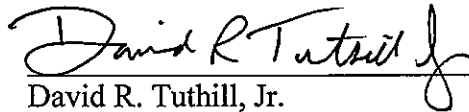
NOTICE OF PREHEARING CONFERENCE

PLEASE TAKE NOTICE, that IDWR has scheduled a prehearing conference for reconsideration of the preliminary order and the request for hearing for **September 27, 2005 beginning at 1:00 p.m.**, at the Idaho Department of Water Resources, Southern Region office, 1341 Fillmore St., Suite 200, Twin Falls, Idaho, (208) 736-3033. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources.

David R. Tuthill, Jr. will be the hearing officer for the contested case.

The conference will be conducted in a facility that satisfies 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 Deborah Gibson, Administrative Assistant with the Idaho Department of Water Resources, at P.O. Box 83720, Boise, Idaho 83720-0098, (208) 287-4942, or fax to (208) 287-6700 at least ten (10) days prior to the conference.

Dated this 8th day of August, 2005.


David R. Tuthill, Jr.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of August, 2005, a true and correct copy of the above and foregoing document described below was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

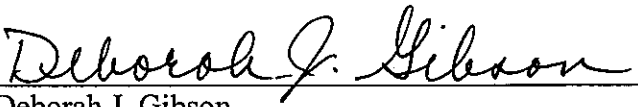
Documents Served: **ORDER GRANTING PETITION FOR RECONSIDERATION,
ORDER GRANTING REQUEST FOR HEARING, AND
NOTICE OF PREHEARING CONFERENCE**

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BROCKWAY ENGINEERING
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

CATHERINE AND GARY WRIGHT
3675 CANYON LN
BUHL, ID 83316

CLEAR SPRINGS FOODS, INC.
C/O JOHN SIMPSON
BARKER ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE ID 83701-2139

SOUTHERN REGION
ATTN ALLEN MERRITT & CINDY YENTER
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau