



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

April 14, 1999

RECEIVED

APR 19 1999

Department of Water Resources  
Eastern Region

**RE: Order Granting Petition for Reconsideration Nunc Pro Tunc**

Dear Interested Parties:

After considering all available dates, the department has scheduled a meeting in connection with the above referenced Preliminary Order which designated the Bear River Ground Water management Area. The meeting is scheduled as follows:

Place: Montpelier City Hall Auditorium  
534 Washington, Montpelier, Idaho

Date: June 2, 1999

Time: 1:00 p.m.

If you have any questions regarding the meeting, Please contact Glen Saxton at (208)327-7900.

Sincerely,

A handwritten signature in cursive script, reading 'Julie L. Yarbrough'.

JULIE L. YARBROUGH  
Senior Secretary

c: Certified Mailing List  
Eastern Region

**CERTIFICATE OF MAILING**

I DO HEREBY CERTIFY that on the 14<sup>th</sup> day of April 1999, a true and correct copy of the foregoing document was forwarded, by regular U.S. Mail, to the parties listed below:

PACIFICORP  
C O JODY L WILLIAMS  
KRUSE LANDA & MAYCOCK  
50 W BROADWAY STE 800  
SALT LAKE CITY UT 84101

EVAN O KOLLER  
12693 N 5800 W  
CORNISH UT 84320


ELDON & BETTY ANN BINGHAM  
PO BOX 68  
DAYTON ID 83232

BEAR RIVER WATER USERS ASSN  
C O RANDALL C BUDGE  
RACINE OLSON NYE COOPER  
& BUDGE  
PO BOX 1391  
POCATELLO ID 83204-1391

MAYOR GEORGE LANE  
CITY OF MONTPELIER  
534 WASHINGTON  
MONTPELIER ID 83254

CRAIG H THOMAS  
DEPUTY DIRECTOR  
BEAR LAKE REGIONAL COMM  
2661 US 89  
PO BOX 26  
FISH HAVEN ID 83287

LEE SMITH  
DIV OF ENVIRONMENTAL QHALITY  
224 S ARTHUR  
POCATELLO ID 83204-3202

  
JULIE L. YARBROUGH  
Senior Secretary, Water Allocation Bureau



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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APR 05 1999

Department of Water Resources  
Eastern Region

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 31, 1999

**RE:** In the Matter of Applications for Permits for Diversion and Use of  
Surface and Ground Water Within the Bear River Drainage and Great  
Basin Tributaries

Dear Interested Party:

I have enclosed a copy of the Order Granting Petition for  
Reconsideration Nunc Pro Tunc.

If you have any questions concerning the enclosed document, please  
contact me directly at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH, Senior Secretary  
Water Allocation Bureau

Enclosure

c: IDWR - Region

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

IN THE MATTER OF APPLICATIONS FOR )  
PERMITS FOR DIVERSION AND USE OF )  
SURFACE AND GROUND WATER WITHIN )  
THE BEAR RIVER DRAINAGE AND GREAT )  
BASIN TRIBUTARIES )  
\_\_\_\_\_ )

**ORDER GRANTING PETITION  
FOR RECONSIDERATION  
NUNC PRO TUNC**

On January 11, 1999, the Idaho Department of Water Resources (Department) issued a Preliminary Order Designating the Bear River Ground Water Management Area (preliminary order). The Department served a copy of the preliminary order upon interested parties to the proceeding on January 15, 1999.

On January 28, 1999, the city of Montpelier filed a timely Petition for Reconsideration (petition) of the preliminary order. Department Rule of Procedure 730.02.a provides that the hearing officer issuing a preliminary order will dispose of any petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. IDAPA 37.01.01.730.02.a. In this case, the Department hearing officer did not act upon the petition for reconsideration within the 21-day period. On February 5, 1999, the Department instead forwarded copies of the petition to interested parties providing a 21-day period for response to the petition. Responses to the petition were filed by Evan O. Koller on February 18, 1999, and by PacifiCorp on March 1, 1999.

To avoid any prejudice to the parties, and to realize the intent of the hearing officer to allow for further review of the preliminary order, it is appropriate that the petition for reconsideration be deemed timely granted.

**ORDER**

The Department having reviewed the petition for reconsideration, and good cause appearing therefor, it is **HEREBY ORDERED** that the petition is **GRANTED** upon the following conditions:

1. Granting of the petition does not represent Department concurrence with any of the substantive allegations contained in the petition.
2. The Department hearing officer shall provide further opportunity for review of the preliminary order before it becomes a final order of the Department.
3. This order shall be deemed issued as of February 5, 1999, nunc pro tunc.

Dated this 29<sup>TH</sup> day of MARCH, 1999.

  
NORMAN C. YOUNG  
Administrator

**CERTIFICATE OF MAILING**

I DO HEREBY CERTIFY that on the 31<sup>st</sup> day of March 1999, a true and correct copy of the foregoing document was forwarded, by regular U.S. Mail, to the parties listed below:

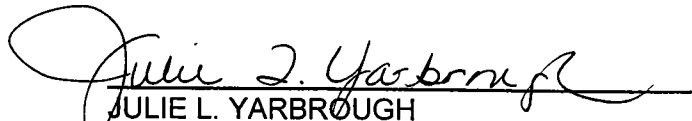
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12693 N 5800 W  
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534 WASHINGTON  
MONTPELIER ID 83254

  
JULIE L. YARBROUGH  
Senior Secretary, Water Allocation Bureau