

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
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RICHARD A. HEARN, M.D.
ERIC L. OLSEN
LANE V. ERICKSON
LISA A. WOOD, CPA

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

BOISE OFFICE

CONRAD J. AIKEN

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0187

August 1, 2001

Transmitted Via Fax: 208-327-7866

Karl Dreher, Director
Idaho Department of Water Resources
1301 N. Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Bear River Ground Water Management Area

Dear Karl:

The current drought which is pervasive throughout the Bear River Basin may or may not continue through all or a portion of the 2002 water year. Because of the current drought emergency and the specter that it could continue into next year, it is critically important and appropriate that the Director have the necessary tools to deal with the drought including the authority to order water delivery on a time priority basis and to cease or reduce withdrawal of water until such time as there is sufficient supply, in accordance with I.C. §42-233(b).

It is our understanding that the Director has never issued a "Final Order" designating the Bear River Ground Water Management Area. If that is in fact the case, we urge the Director to do so without delay.

On May 14, 1997, the Bear River Water Users Association ("BRWUA") and PacifiCorp filed separate petitions requesting the Director designate a Bear River Ground Water Management Area pursuant to I.C. §42-233(b). A Preliminary Order establishing the Ground Water Management Area was issued on January 15, 1999.

Karl Dreher, Director
August 1, 2001
Page 2

Thereafter, following objections by Montpelier City and certain others on March 29, 1999, the Director issued an "Order Granting Petition for Reconsideration Nunc Pro Tunc". A meeting was held in Montpelier on June 2, 1999, in connection with the matter to address the objections and reconsideration. Minor modifications to the proposed Order were agreed upon, the objections were withdrawn and the Final Order was to be issued. It appears due to oversight or other unknown reasons the Final Order was never issued.

Based on the foregoing, we respectfully request that the Director issue a Final Order establishing the Bear River Ground Water Management Area without delay.

Sincerely,

/s/

RANDALL C. BUDGE

RCB:rr

cc: BRWUA

PacifiCorp:

Jody L. Williams

Carly Burton