

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

IN THE MATTER OF THE ALLOCATION
OF STORED WATER TO THE CITY OF
POCATELLO BY WATER DISTRICT 01

**ORDER APPOINTING HEARING
OFFICER**

BACKGROUND

On April 25, 2024, the Idaho Department of Water Resources (“Department”) received the *City of Pocatello’s Petition Requesting a Hearing on [Water District 01’s] 2023 Storage Report* (“*Petition*”). Pocatello states that the Water District 01’s “allocation of stored water to Pocatello’s space in Palisades Reservoir in 2023 was erroneous” and that Pocatello “has been aggrieved” by the allocation. *Petition* at 2. The *Petition* requests the Department initiate formal proceedings to address the issues raised by the *Petition* in accordance with IDWR Rules of Procedure 102 (IDAPA 37.01.01.102). *Id.*

ANALYSIS AND CONCLUSIONS OF LAW

Idaho Code § 42-1701A(3) provides in relevant part:

Unless the right to a hearing before the director . . . is otherwise provided by statute, any person aggrieved by any action of the director, including any decision, determination, order or other action . . . and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action.

Pocatello has not previously been afforded an opportunity for a hearing regarding Water District 01’s allocation of storage water to Pocatello during the 2023 irrigation season. Accordingly, it is entitled to a hearing pursuant to Idaho Code § 42-1701A(3). The Director will grant the hearing request and appoint James Cefalo, IDWR Eastern Region Manager, as the hearing officer in this matter.

ORDER

IT IS HEREBY ORDERED that Pocatello’s request for a hearing is GRANTED.

IT IS HEREBY ORDERED that James Cefalo is appointed to serve as hearing officer in this matter and is authorized to hear this contested case on behalf of the Department pursuant to IDAPA 37.01.01.410–414 and the provisions of chapter 52, title 67, Idaho Code. Hearing Officer

Cefalo will initiate communication with counsel for the parties in this matter to schedule a pre-hearing conference. Hearing Officer Cefalo's contact information is as follows:

James Cefalo
IDWR Eastern Regional Office
900 N. Skyline Dr. Ste. A
Idaho Falls, ID 83402-1718
(208) 525-7177
James.Cefalo@idwr.idaho.gov

DATED this 9th day of September 2024.



MATHEW WEAVER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 9th day of September 2023, I caused to be served a true and correct copy of the foregoing *Order Appointing Hearing Officer*, by the method indicated below, upon the following:

Sarah A. Klahn Maximilian C. Bricker SOMACH SIMMONS & DUNN, P.C. 1155 Canyon Blvd., Suite 110 Boulder, CO 80302 sklahn@somachlaw.com mbricker@somachlaw.com <i>Attorneys for City of Pocatello</i>	☒ U.S. Mail, postage prepaid ☒ Email
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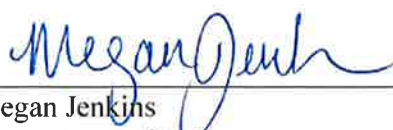
Courtesy Copies:

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Megan Jenkins
Executive Assistant

PHC -

-include Craig (wd 01)

- Jeff Raybould

- Garrick

(ask who represents Dept.)