

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE PETITION)	
OF McCAMMON DITCH COMPANY FOR)	PRELIMINARY ORDER
THE ENFORCEMENT OF DECREE AND)	DISMISSING PETITION
ORDER)	
_____)	

On February 14, 1996, McCammon Ditch Company (McCammon) filed a Petition for Enforcement of Decree and Order with the Idaho Department of Water Resources (IDWR). The petition requested that IDWR enforce the decree of water rights in the Portneuf River and its tributaries titled Union Grain & Elevator Co. v. McCammon Ditch Co., et al., Case No. 2203, and enforce subsequent orders of IDWR related to the administration of water rights diverted from the Portneuf River.

A prehearing conference was held on May 2, 1996, in Lava Hot Springs. The parties requested a delay of the hearing to gather some data and negotiate a settlement. The hearing officer ordered a suspension in processing.

Subsequent inquiries by IDWR about the status of negotiations and data gathering did not produce positive responses. A notice of hearing was issued by IDWR setting a formal hearing on July 1-2, 1998. The hearing was canceled upon representation by the petitioner and other interested water users that the case would be resolved.

On September 22, 1998, IDWR scheduled another hearing for October 20-21, 1998.

Water users toured the Portneuf River on October 8, 1998 to view and discuss diversions from the Portneuf River and the associated measurement and recording of the diversions. Tim Luke of IDWR attended the river tour and identified a number of issues needing further attention by IDWR and the waterusers. Tim Luke summarized the actions that could be taken in a letter to McCammon dated October 14, 1998.

10. McCammon, through Jim Spinner, its attorney, withdrew its petition in a letter dated October 19, 1998, and asked that the hearing scheduled for October 20, 1998, be canceled. The letter stated that the petition was withdrawn without prejudice.

ORDER

IT IS HEREBY ORDERED that the Petition for Enforcement of Decree and Order filed by McCammon Ditch Company is **DISMISSED** without prejudice.

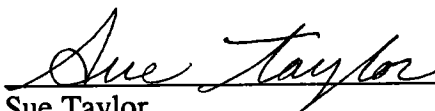
Dated this 2nd day of November, 1998.



Gary Spackman
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of November, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicants and protestants listed:



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