BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION)	
OF WATER TO WATER RIGHT NOS.)	ORDER OF RECUSAL AND
34-372A, 34-372B, AND 34-690B)	CONTINUATION OF HEARING
)	

The hearing officer, Gary Spackman, has been discussing future mitigation and other matters of water administration with water users whose water rights describe points of diversion within the Big Lost River Drainage. The participants in these discussion include water users who requested a hearing following the Order in the Matter of Administration of Water, dated July 12, 2004, and the Amended Order in the Matter of Distribution of Water, Order to Show Cause, and Notice of Status Conference, dated July 23, 2004. These discussions have the potential to compromise the neutrality and impartiality of the hearing officer. As a result, the hearing officer disqualifies himself as the hearing officer for the hearing scheduled on February 9, 2005. An independent hearing officer will be assigned to conduct the hearing.

Because of the lateness of the disqualification and the need to assign another hearing officer, the hearing scheduled for February 9, 2005 is canceled and continued until a later date.

Dated this _____ day of February, 2005.

Gary Spackman Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2 day of February, 2005, the above and foregoing document 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:

JAY V JENSEN PO BOX 112A MOORE ID 83255

JACK A JENSEN PO BOX 32 MOORE ID 83255

L VAUGHN JENSEN PO BOX 35 MOORE ID 83255

RIGBY THATCHER, ANDRUS, RIGBY & MOELLER PO BOX 250 REXBURG, ID 83440

BRUCE BLACKMER 2900 N 3264 W MOORE, ID 83255 RYAN AND RUTH GENAE MCAFEE 4108 N 3900 W MOORE, ID 83255

GRANITE TRUST ORGANIZATION LAWRENCE BABCOCK, TRUSTEE PO BOX 66 MOORE, ID 83255

TIM LUKE IDWR - WATER DISTRIBUTION PO BOX 83720 BOISE ID 83720-0098

IDWR – EASTERN REGION 900 NORTH SKYLINE DR STE A IDAHO FALLS ID 83402-6105

OTTO HIGBEE - MAYOR MACKAY CITY HALL PO BOX 509 MACKAY ID 83251

Deborah J. Gibson
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