

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF CREATING THE)
OAKLEY VALLEY AREA WATER) **NOTICE OF PRE-HEARING**
DISTRICT, WATER DISTRICT NO. 140,) **CONFERENCE ON REMAND**
FOR THE ADMINISTRATION OF WATER)
RIGHTS IN ADMINISTRATIVE BASIN 45)
_____)

On January 11, 2007, individual water users within Water District No. 45-F, Marsh Creek and tributaries, filed with the Director of the Idaho Department of Water Resources (“Director” or “Department”) a Petition for Reconsideration regarding the Director’s Final Order Creating Water District No. 140, dated December 28, 2006. The individual water users that signed the Petition for Reconsideration are identified on the attached Certificate of Mailing.

On January 12, 2007, Southwest Irrigation District, Goose Creek Irrigation District, Jack Duncan, Paul Duncan, Bill Hepworth, Bruce Newcomb, Mark Newcomb, Mark Sanderson, Dan Walton, Gary Fowler, William McManus, Ron Heib, Ardel Wickel, Lynn Mitchell and Del Mitchell (“Appellant-Petitioners”) filed with the Director a Petition for Reconsideration regarding the Director’s Final Order Creating Water District No. 140.

The petitions for reconsideration were denied by operation of law because the Director did not dispose of the petitions within twenty-one (21) days of the filings. On February 27, 2007, Appellant-Petitioners filed an appeal of the Director’s final order with the Idaho Fifth Judicial District Court in Cassia County. On April 5, 2007, District Judge Monte B. Carlson, pursuant to a stipulation and joint motion of the parties, remanded the matter to the Department to resolve the Appellant-Petitioners’ appeal.

NOTICE IS HEREBY GIVEN that the Director will preside over a pre-hearing conference on **Monday**, September 10, 2007 at 1:30 p.m. in the Burley City Hall Council Chambers, 1401 Overland Ave, Burley, ID, to address the District Court’s remand of the Appellant-Petitioners’ appeal. The Director will also address the Petition of Reconsideration filed by the Water District No. 45-F water users.

The Director is conducting the conference for the primary purpose of resolving all of the issues raised by the petitions for reconsideration and the appeal. If the issues cannot be fully resolved at the prehearing conference, the Director and the parties shall also, if appropriate, formulate and simplify the issues, obtain admissions of fact, identify

documents that may be submitted as evidence, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, and advise the parties of hearing procedures. All attending parties should be prepared to discuss and commit to dates for a formal hearing.

The conference will be held in accordance with Chapter 2, Title 42, of the Idaho Code and the adopted Rules of Practice and Procedure of the Department.

The conference will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department, at telephone number 208-287-4803 within (10) days prior to the conference.

Dated this 9th day of August, 2007.

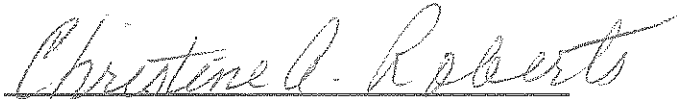
A handwritten signature in cursive script, reading "Gary Spackman", written over a horizontal line.

for: **David R. Tuthill, Jr.**
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of August, 2007, the above and foregoing document was served on each individual or entity on the service list for this matter on file at the Idaho Department of Water Resources, 322 East Front Street, Boise, Idaho. Each individual or entity on the service list was served by placing a copy of the above and foregoing document in the United States mail, postage prepaid and properly addressed.

Documents served: **Notice of Pre-Hearing Conference on Remand. In the matter of creating the Oakley Valley Area Water District No 140, for the administration of water rights in administrative basin 45.**

A handwritten signature in cursive script that reads "Christine A. Roberts". The signature is written in black ink and is positioned above a horizontal line.

Christine Roberts
Technical Records Specialist
Idaho Department of Water Resources

**TODD ADAMS
1034 E 900 S
ALBION ID 83311**

**ELDON ADAMS
1060 E 900 S
ALBION ID 83311**

**BRETT ADAMS
100 SCHOOL ST
ALBION ID 83311**

**SANDRA ANDESSON
BOX 158
ALBION ID 83311**

**TOM & TERRY ASHER
PO BOX 146
881 S 1100 E
ALBION ID 83311**

**LEO & MERLA BELL
1137 E 1000 S
ALBION ID 83311**

**JOHN BURROWS
BOX 158
ALBION ID 83311**

**JEFF CHATBURN
850 S 1275 E
ALBION ID 83311**

**DOROTHY CLARK
1003 E 1000 S
ALBION ID 83311**

**ALAN G CLARK
1007 E 1000 S
ALBION ID 83311**

**KENT COOPER
990 E 900 S
ALBION ID 83311**

**DONALD DANNER
111 LOUIESBURY DR
ALBION ID 83311**

**THOMAS V GEARY
964 S 950 E
ALBION ID 83311**

**DALE GOODMAN
925 S 1250 E
ALBION ID 83311**

**DONALD G GUNDERSON
1047 E 1000 S
ALBION ID 83311**

**GEORGE KELLY
PO BOX 25
ALBION ID 83311**

**JIM KELLEY
1090 E 900 S
ALBION ID 83311**

**BILL KELLEY
950 S 1300 E
ALBION ID 83311**

**SANDRA KOYLE
913 S 1050 E
ALBION ID 83311**

**MIKE K MTTHERS
1323 E 950 S
ALBION ID 83311**

**LARRY MAHONEY
BLACK JACK RANCH
PO BOX 177
ALBION ID 83311**

**PAT MCCAMMON
1354 6 S RANCH RD
ALBION ID 83311**

**GEORGE & GWEN
MONTGOMERY
937 S 900 E
ALBION ID 83311**

**LEROY ROBINSON
1170 E 810 S
ALBION ID 83311**

**WILLIAM PARSONS
PARSONS, SMITH & STONE, LLP
137 W 13TH ST
PO BOX 910
BURLEY ID 83318**

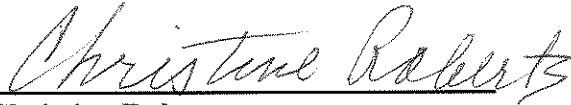
**RONALD SORENSEN
988 E 1000 S
PO BOX 17
ALBION ID 83311**

**SORENSEN
992 E 1000 S
ALBION ID 83311**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of August 2007, the above and foregoing document was served on each individual or entity on the service list for this matter on file at the Idaho Department of Water Resources, 322 East Front Street, Boise, Idaho. Each individual or entity on the service list was served by placing a copy of the above and foregoing document in the United States mail, postage prepaid and properly addressed.

FOR DATE CORRECTION AND ADDITIONAL RECIPIENTS: Notice of Pre-Hearing Conference on Remand. In the matter of creating the Oakley Valley Area Water District No. 140, for the administration of water rights in administrative basin 45.



Christine Roberts
Technical Records Specialist
Idaho Department of Water Resources

**EARL L WARTHEN
BOX 145
ALBION ID 83311**

**NORMAN DAYLAY
BOX 165
ALBION ID 83311**

**CRYSTALL WARRELL
1318 E 1000 S
BOX 175
ALBION ID 83311**

**JEFF DAYLEY
PO BOX 501
ALBION ID 83311**