

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

MAY 08 1995

Department of Water Resources
Eastern District Office

IN THE MATTER OF THE PETITION)
FOR DELIVERY CALL BY VARIOUS LEMHI)
RIVER WATER USERS FOR THE DELIVERY)
OF GROUND WATER AND FOR THE)
CREATION OF A GROUND WATER)
MANAGEMENT AREA.)

Docket NO.
37-03-11-2

NOTICE OF PRE-HEARING
CONFERENCE

Notice is hereby given that a pre-hearing conference regarding the above-titled matter will be held in the County Commissioners Room, Courthouse Annex 2, Salmon, Idaho, beginning at 2:00 p.m. on Wednesday, May 17, 1995. The presiding officer at the conference will be Gary Spackman.

The conference will be conducted in a facility which 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 least five (5) days prior to the conference.

Notice is further given that the Department received 18 responses to the original Notice of Petition, Docket No. 37-03-11-2, which was sent to approximately 60 holders of water rights to divert groundwater from groundwater within the Lemhi River Basin. A list of Respondents and potential Intervenors (late responses) is contained in the service list attached to this notice.

The 18 representatives or individuals who have responded are now invited to participate in a pre-hearing conference. While the meeting will be open to the public, space limitations and requirements of orderly conduct will make it necessary to limit participation in the conference to the Department, the petitioner and those who are listed as respondents.

The matter of the petition will be reviewed informally using the following agenda:

1. Welcome and Introduction
2. Purpose of Meeting
3. Description of respondents
4. Provisions of conjunctive management rules applicable to the petition
 - Petition is a delivery call by senior-priority surface water right holders against junior-priority groundwater rights.
 - The Lemhi River Basin is an area of the state in

which groundwater rights have not been incorporated into an existing water district (Rule 30).

- Groundwater rights have been adjudicated, and could be incorporated into a water district (Rules 30.04, 30.05, 30.09, 40).

6. **Options available:**

Informal resolution - Parties may agree to an interim or permanent solution without a formal contested case hearing. (The pre-hearing conference is part of the informal process) (Rule 30.03).

Contested Case - We will need to establish a hearing schedule and discuss such matters as order of procedure-burden of proof-discovery-exchange of exhibits - stipulations.

Order cessation of pumping - Rule 30.07g - By summary order the Director may prohibit or limit withdrawals taking into effect the existence of any approved mitigation plan.

Designate a groundwater management area - Rule 30.07h - If it appears that the water supply is insufficient to meet the demands of all those having rights or if current withdrawals exceed the reasonably anticipated average rate of future natural recharge of the aquifer (RAARFNR).

New legislation - New legislation allows groundwater pumpers to be represented through some aquifer-wide organization.

7. **Discussion**

If any agreement is reached between the petitioner and respondents at this conference or a continuation thereof, such agreement will be reduced to writing and will be included in an order issued by the hearing officer. If no agreement is reached, a tentative schedule for contested-case proceedings will be discussed and will be set forth in a further order from the hearing officer.

The hearing officer will not hear any oral motions at this conference but will accept written motions for future consideration and action. One motion which appears appropriate at this time is a motion to allow late respondents to intervene in the proceeding.

DATED this 4th day of May, 1995.


Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on this 4th day of May, 1995, a true and correct copy of the foregoing NOTICE OF PRE-HEARING CONFERENCE was mailed postage prepaid to the following:


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Harry L. Coleman
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Leadore ID 83464

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Rt. 1 Box 8C
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