RECEIVED
MAR 18 2005
DEPARTMENT OF
WATER RESOURCES

Jeffrey C. Fereday (Idaho State Bar # 2719)
Michael C. Creamer (Idaho State Bar # 4030)
Deborah E. Nelson (Idaho State Bar # 5711)
GIVENS PURSLEY LLP
601 Bannock Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720
Telephone: (208) 388-1200
Facsimile: (208) 388-1300

Attorneys for the Ground Water Districts

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF GROUND WATER DISTRICTS' APPLICATION FOR APPROVAL OF MITIGATION PLAN FOR THE AMERICAN FALLS REACH OF THE SNAKE RIVER	**GROUND WATER DISTRICTS' MOTION FOR CONTINUANCE OF MITIGATION PLAN HEARING**

Pursuant to Idaho Department of Water Resources' ("IDWR") Rules of Procedure 260 and 561, the American Falls-Aberdeen Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Madison Ground Water District, South West Irrigation District, North Snake Ground Water District, and Magic Valley Ground Water District (the "Ground Water Districts" or "Districts"), through their counsel Givens Pursley LLP, hereby move the Director for a continuance of the hearing, currently scheduled for March 22-25, 2005, on the Districts' February 8, 2005 Mitigation Plan for the American Falls Reach of the Snake River ("Mitigation Plan"). The Districts request a postponement to a date that is at least fourteen days after the 2005 Legislature adjourns.

ORIGINAL

The grounds for a continuance are as follows:

1. The Legislature is currently considering proposals for legislation pertaining to, among other things: a) Idaho Water Resource Board bonding authority for water supply enhancement or mitigation initiatives, b) funding or financing mechanisms that might be made available to water users when mitigation or curtailment is being considered, c) the powers of ground water districts to issue bonds and incur indebtedness adequate to acquire water rights or other property interests for inclusion in a mitigation plan or aquifer management program, and d) the power of ground water districts to include and assess certain additional classes of ground water users for these purposes. All of these legislative measures will bear directly on the Districts' ability to implement the Mitigation Plan, to acquire and deliver replacement water, or to engage in other aquifer management programs.

2. We understand that the Legislature also is considering legislation to implement other components of the "Straw Man" proposal for Eastern Snake Plain Aquifer management, some of which components have been incorporated into, or would affect, the Mitigation Plan. Again, this legislation will affect the shape and direction of any mitigation or management effort the Districts might pursue.

3. If and when the Legislature has enacted such measures, the Districts anticipate amending the proposed Mitigation Plan to reflect these changes, and possibly amending it to enlarge its scope beyond Water District 120.

4. This Motion will not prejudice any party because no one yet has protested or responded to the Mitigation Plan or sought to become a party to this matter. Even if responses or interventions were filed, no interest would be served by forcing the Director to hear testimony

concerning a plan that might change, and might be required to change, to conform to or take advantage of new legislation.

5. A continuance would best serve administrative economy and allow the Director to focus on a complete, or fully amended, mitigation plan that comports with legislative directives and authorities.

RESPECTFULLLY SUBMITTED this 18th day of March 2005.

GIVENS PURSLEY LLP

By: _____
Michael C. Creamer
Attorneys for Applicants

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March 2005, I served a true and correct copy of the foregoing by delivering the same to each of the following individuals by the method indicated below, addressed as follows:

Mr. Karl J. Dreher Director Idaho Department of Water Resources 322 East Front Street P.O. Box 83720 Boise, ID 83720-0098	_____ U.S. Mail _____ Facsimile _____ Overnight Mail X_____ Hand Delivery

Michael C. Creamer