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	)))))	**ORDER CONTINUING HEARING**

On February 8, 2005, the American Falls-Aberdeen Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Madison Ground Water District, Magic Valley Ground Water District, North Snake Ground Water District, and South West Irrigation District (collectively referred to as the "Ground Water Districts"), filed a proposed mitigation plan with the Director of the Idaho Department of Water Resources ("Director" or "Department") pursuant to Rule 43 of Department's Rules of Conjunctive Management. IDAPA 37.03.11.043. In their filing, the Ground Water Districts requested expedited public notice and an expedited hearing schedule. Notice of the proposed mitigation plan was published the first and second weeks of March 2005. The last date for protest is March 21, 2005. The published notice stated that a hearing for the proposed mitigation plan was tentatively scheduled for March 22-25, 2005. A formal notice of hearing was not issued.

On March 18, 2005, the Ground Water Districts filed a motion for continuance of the mitigation plan hearing. The motion asked for postponement of the scheduled hearing "to a date that is at least fourteen days after the 2005 Legislature adjourns."

The motion discusses pending legislation that could affect "the shape and direction of any mitigation or management effort the Districts might pursue" and result in the Ground Water

Districts "amending the proposed Mitigation Plan." The motion also asserts that no party will be prejudiced by granting the motion "because no one yet has protested or responded to the Mitigation Plan or sought to become a party to this matter."

Prospective parties have not yet filed protests against the proposed mitigation plan. The Ground Water Districts moving for a continuance are the only participants who would be prejudiced by a postponement. The motion for continuance should be granted.

ORDER

IT IS HEREBY ORDERED that the hearing tentatively scheduled for March 22-25, 2005, is **CONTINUED** and will be rescheduled at a later date.

Dated this 18th day of March, 2005.

KARL J. DREHER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March, 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:

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