BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO VARIOUS WATER RIGHTS HELD BY OR FOR THE BENEFIT OF A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT #2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, AND TWIN FALLS CANAL COMPANY	)	**ORDER GRANTING EXTENSION OF TIME TO FILE MITIGATION PLAN**

On April 29, 2005, A & B Irrigation District filed a *Motion for Extension of Time to File Mitigation Plan* in the above-captioned matter. A & B Irrigation District asserts that it is the claimant and beneficial right holder of water rights nos. 36-15127B, 36-15193B, 36-15194B, 36-15195B, and 36-15196B. The Director of the Department of Water Resources ("Director" or "Department") issued an *Order* in this matter on April 19, 2005, which was amended May 2, 2005. The Director's *Order* set a deadline of April 29, 2005, for submission of a plan for providing replacement water in lieu of curtailment for those ground water rights subject to immediate curtailment under the Order, based on the priorities of the rights.

Paragraph 9 of the Director's *Amended Order* of May 2, 2005, provides that, "[r]equests for extensions to file a plan for good cause will be considered on a case-by-case basis and granted or denied based on the merits of any such individual request for extension." A & B Irrigation District asserts as a basis for its request for extension of time that it did not receive a copy of the notice from the Watermaster of Water District No. 130 that certain of its water rights were subject to immediate curtailment until April 29, 2005. A & B Irrigation District requests

additional time to adequately prepare its own mitigation plan containing curtailment, conversion of water sources, and other actions which will fully mitigate any depletions under the above-mentioned five (5) water rights.

ORDER

The Director, having reviewed A & B Irrigation District's *Motion for Extension of Time to File Mitigation Plan*, and finding good cause therefor, hereby grants an extension of time until May 13, 2005, for A & B Irrigation District to submit a plan for providing replacement water in lieu of curtailment for those ground water rights subject to immediate curtailment under the Director's *Amended Order* of May 2, 2005. The Director will take action on the plan as soon as practicable after it is submitted, provided that if no plan is submitted or the plan is not approved prior to the completion of the 2005 irrigation season, any required mitigation shall be provided in accordance with ordering paragraph two of the Amended Order. Amended Order at p. 45, ¶ 2.

Dated this 6th day of May 2005.

KARL J. DREHER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of May, 2005, the above and foregoing, was served by the method indicated below, and addressed to the following:

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