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 (Water Districts No. 120 and No. 130)	)	**ORDER OF STAY AND NOTICE OF STATUS CONFERENCE**

This matter is before the Director of the Department of Water Resources ("Director" or "Department") as a result of a joint *Stipulated Motion for Entrance of Protective Order* ("Stipulated Motion") filed on January 25, 2006, by the Surface Water Coalition, the Idaho Ground Water Appropriators, Inc. ("IGWA"), and the City of Pocatello ("Pocatello"). The "proposed Protective Order" accompanying the Stipulated Motion seeks a stay in the proceedings "for a period of sixty (60) days from the date of this Order for purposes of allowing the parties to investigate settlement." On January 23, 2006, the Surface Water Coalition filed a separate *Motion for Stay* ("Motion for Stay") seeking to stay the hearing scheduled for March 6, 2006.

The Director shall address the request for a stay on an interim basis because of the imminent due dates pending in this proceeding. Among the matters immediately pending is *IGWA and Pocatello's Motion To Compel Production of Documents* ("Motion to Compel") filed on January 24, 2006. The Motion to Compel seeks the production of certain materials considered by the Surface Water Coalition's experts. On January 31, 2006, counsel for Pocatello submitted a letter stating that the Surface Water Coalition has agreed to provide the materials that are the subject of the Motion to Compel but that the documents have not yet been received. Pocatello therefore asks that the Motion to Compel be exempt from the requested stay.

Because the Director has heard only from the three parties who filed the Stipulated Motion, the Director shall schedule a telephone status conference for Friday, February 3, 2006, at 1:30 p.m. to ascertain whether any other party has an objection to entry of the requested stay or protective order in this proceeding. In addition, the Director shall inquire as to whether it is the intention of the parties that the stay apply to the deadline of March 15, 2006, for IGWA to provide an amount of replacement water to the Twin Falls Canal Company as set forth in the *Second Supplemental Order Amending Replacement Water Requirements* issued by the Director on December 27, 2005.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED as follows:

As an initial response to the January 25, 2006, *Stipulated Motion for Entrance of Protective Order*, filed jointly by the Surface Water Coalition, the Idaho Ground Water Appropriators, Inc., and the City of Pocatello, all scheduled filing dates in this proceeding shall be stayed pending a status conference to be conducted on Friday, February 3, 2006, at 1:30 p.m. This Order shall not stay action on *IGWA and Pocatello's Motion To Compel Production of Documents* filed on January 24, 2006. An order further addressing the requested stay shall be issued following the status conference.

NOTICE OF STATUS CONFERENCE

PLEASE TAKE NOTICE that the Director of the Department of Water Resources has set a status conference in this matter for **February 3, 2006, starting at 1:30 p.m. (MST)** at the Department's offices located at 322 E. Front Street, Boise, Idaho.

All parties to the matter must be represented at the conference in person or by telephone. If participating by telephone, please dial 713-577-1201 and provide participant code 260503.

The parties at the status conference shall be prepared to discuss the matters identified in the foregoing Order.

The conference will be conducted in accordance with 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 prior to the conference. Inquires for special accommodations should be directed to Victoria Wigle, Administrative Assistant to the Director, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4803, fax: (208) 287-6700.

DATED this 1st day of February 2006.

KARL J. DREHER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of February 2006, the above and foregoing, was served by the method indicated below, and addressed to the following:

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