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)	)	**INTERIM ORDER SUSPENDING HEARING SCHEDULE**

This matter is before the Director of the Department of Water Resources ("Director" or "Department") as a result of a *Petition for Reconsideration of Third Supplemental Order Amending Replacement Water Requirements Final 2005 & Estimated 2006* ("Coalition's Petition"), filed on July 12, 2006, by the Surface Water Coalition. In addition to requesting reconsideration of the Director's orders of May 2, 2005, and June 29, 2006, in light of Judge Barry Wood's *Order on Plaintiffs' Motion for Summary Judgment* in Case No. CV-2005-0000600 (Fifth Jud. Dist., Gooding County, June 2, 2006), the Petition also seeks a stay in the proceedings, based upon entry of Judge Wood's *Order Certifying Judgment Granting Partial Summary Judgment Under Rule 54(b)* (July 11, 2006).

On July 13, 2006, the Idaho Ground Water Appropriators, Inc. ("IGWA") also filed *IGWA's Petition for Reconsideration of the Director's Third Supplemental Order Amending Replacement Water Requirements Final 2005 and Estimated 2006* ("IGWA's Petition").

On June 14, 2006, the Director denied a request for stay of the administrative proceeding made by the City of Pocatello. The request, however, was denied without prejudice:

> The Director has determined that further delay in this proceeding would undermine timely administration of water rights and therefore denies Pocatello's Motion for Stay. Nonetheless, given the uncertainty surrounding the effects of the judicial action, the Director has determined that an adjustment in the remaining deadlines in the administrative proceeding is appropriate. Thus, the existing deadlines will be extended by approximately thirty days. *If circumstances in the judicial action change, and upon motion by the parties, the Director should revisit staying the administrative proceeding.*

Order Regarding Pocatello's Motion for Stay and Fourth Amended Scheduling Order at p. 5 (June 14, 2006) (emphasis added).

With the entry of Judge Wood's *Order Certifying Judgment Granting Partial Summary Judgment Under Rule 54(b)*, circumstances have sufficiently changed that the Director should

suspend the administrative hearing schedule. The hearing schedule should be suspended until the Director has had sufficient time to review the Coalition's Petition and IGWA's Petition as they pertain to the issue of reconsideration of the Director's orders of May 2, 2005, and June 29, 2006. Once the Director has had sufficient time to review the issues of reconsideration, the Director should issue a subsequent order addressing reconsideration and stay.

ORDER

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

1. The administrative hearing schedule is suspended for an unspecified period of time to allow the Director to review the Coalition's Petition and IGWA's Petition for reconsideration of the Director's orders of May 2, 2005, and June 29, 2006. Suspension of the hearing schedule will not affect the Director's orders requiring that IGWA provide the remaining replacement water required to mitigate material injury in 2005, the monitoring of water supply and climatic conditions through the 2006 irrigation season, or requirements for additional replacement water to mitigate material injury that may occur during the 2006 irrigation season.

2. Once the Director has reviewed the Coalition's Petition and IGWA's Petition, the Director shall issue a subsequent order regarding reconsideration and stay.

DATED this 14th day of July 2006.

KARL J. DREHER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of July, 2006, the above and foregoing, was served by the method indicated below, and addressed to the following:

TOM ARKOOSH ARKOOSH LAW OFFICES PO BOX 32 GOODING ID 83330 (208) 934-8873 alo@cableone.net	(x) U.S Mail, Postage Prepaid ( ) Facsimile (x) E-mail
W. KENT FLETCHER FLETCHER LAW OFFICE PO BOX 248 BURLEY ID 83318-0248 (208) 878-2548 wkf@pmt.org	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
ROGER D. LING LING ROBINSON PO BOX 396 RUPERT ID 83350-0396 (208) 436-6804 lnrlaw@pmt.org	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
JOHN ROSHOLT TRAVIS THOMPSON BARKER ROSHOLT 113 MAIN AVE WEST STE 303 TWIN FALLS ID 83301-6167 (208) 735-2444 jar@idahowaters.com tlt@idahowaters.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
JOHN SIMPSON BARKER ROSHOLT PO BOX 2139 BOISE ID 83701-2139 (208) 344-6034 jks@idahowaters.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
JEFFREY C. FEREDAY MICHAEL C. CREAMER GIVENS PURSLEY LLP PO BOX 2720 BOISE ID 83701-2720 (208) 1300 cf@givenspursley.com mcc@givenspursley.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail

SCOTT CAMPBELL
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701
(208) 385-5384
slc@moffatt.com

(x) U.S. Mail, Postage Prepaid
( ) Facsimile
(x) E-mail

KATHLEEN CARR
U.S. DEPT INTERIOR
960 BROADWAY STE 400
BOISE ID 83706
(208) 334-1378

(x) U.S. Mail, Postage Prepaid
( ) Facsimile
(x) E-mail

MATT HOWARD
US BUREAU OF RECLAMATION
1150 N CURTIS ROAD
BOISE ID 83706-1234
(208) 378-5003
mhoward@pn.usbr.gov

(x) U.S. Mail, Postage Prepaid
( ) Facsimile
(x) E-mail

JOSEPHINE BEEMAN
BEEMAN & ASSOC.
409 W JEFFERSON
BOISE ID 83702
(208) 331-0954
jo.beeman@beemanlaw.com

(x) U.S. Mail, Postage Prepaid
( ) Facsimile
(x) E-mail

SARAH KLAHN
WILLIAM A HILLHOUSE II
AMY W BEATIE
WHITE JANKOWSKI
511 16TH ST STE 500
DENVER CO 80202
sarahk@white-jankowski.com
billh@white-jankowski.com
amyb@white-jankowski.com

(x) U.S. Mail, Postage Prepaid
( ) Facsimile
(x) E-mail

MICHAEL GILMORE
ATTORNEY GENERAL'S OFFC
PO BOX 83720
BOISE ID 83720-0010
(208) 334-2830
mike.gilmore@ag.idaho.gov

(x) U.S. Mail, Postage Prepaid
( ) Facsimile
(x) E-mail

TERRY UHLING
JR SIMPLOT CO
999 MAIN STREET
BOISE ID 83702
tuhling@simplot.com

(x) U.S. Mail, Postage Prepaid
( ) Facsimile
(x) E-mail

JAMES TUCKER
IDAHO POWER CO
1221 W IDAHO ST
BOISE ID 83702
jamestucker@idahopower.com

(x) U.S. Mail, Postage Prepaid
( ) Facsimile
(x) E-mail

JAMES LOCHHEAD
ADAM DEVOE
BROWNSTEIN HYATT
410 17TH ST 22ND FLOOR
DENVER CO 80202
jlochhead@bhf-law.com
adevoe@bhf-law.com

(x) U.S. Mail, Postage Prepaid
( ) Facsimile
(x) E-mail

LYLE SWANK
IDWR
900 N SKYLINE DR
IDAHO FALLS ID 83402-6105
(208) 525-7177
lyle.swank@idwr.idaho.gov

(x) U.S. Mail, Postage Prepaid
( ) Facsimile
(x) E-mail

ALLEN MERRITT
CINDY YENTER
IDWR
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3033
(208) 736-3037
allen.merritt@idwr.idaho.gov
cindy.yenter@idwr.idaho.gov

(x) U.S. Mail, Postage Prepaid
( ) Facsimile
(x) E-mail

Victoria Wigle

Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources