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Attorneys for Claimant,
A & B Irrigation District

**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)

**MOTION FOR EXTENSION OF TIME
TO FILE MITIGATION PLAN**

COMES NOW A & B Irrigation District, claimant and beneficial right holder of
Water Right Nos. 36-15127B, 36-15193B, 36-15194B, 36-15195B, and 36-15196B, now on
appeal to the Idaho Supreme Court, and moves for an Order that the deadline for filing a
mitigation plan on or before April 29, 2005, as contained in the Order in this matter dated April
19, 2005, be vacated and that the time for filing a mitigation plan by the undersigned be extended

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on the grounds and for the reasons that neither A & B Irrigation District nor the Bureau of Reclamation, United States Department of the Interior, received notice from the Watermaster of Water District No. 130 that the above water rights would be curtailed if replacement water was not provided and an approved mitigation plan submitted to IDWR no later than April 29, 2005, and that after numerous inquiries, a copy of the letter of curtailment from the Watermaster of Water District 130 was obtained on April 29, 2005 from the Bureau of Reclamation, which shows that said letter was addressed to the United States of America, acting through the United States Department of Interior, Bureau of Land Management, and that said letter identifies five (5) water rights of A & B Irrigation District, four (4) water rights recommended in the name of the Bureau of Land Management, and one (1) water right recommended in the name of an individual for the irrigation of land outside the boundaries of A & B Irrigation District, and said A & B Irrigation District has not had sufficient time to make further inquiries to adequately prepare its own mitigation plan containing curtailment, conversion of water sources and other acts which will fully mitigate any depletions under the above-mentioned five (5) water rights.

DATED this 29th day of April, 2005.

LING, ROBINSON & WALKER

By: Michael S. Tibe for:
Roger D. Ling
Attorney for A & B Irrigation District

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of April, 2005, I served copies of the foregoing *Motion for Extension of Time to File Mitigation Plan* upon:

John K. Simpson
Barker, Rosholt & Simpson
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Boise, Idaho 83701-2139

Gail McGarry PN-3100
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by depositing copies thereof in the United States mail, postage prepaid, in envelopes addressed to said persons at the foregoing addresses.


Michael P. Tribe

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