BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF THE NORTH SNAKE GROUND WATER DISTRICT AND MAGIC VALLEY GROUND WATER DISTRICT FOR APPROVAL OF A PRELIMINARY MITIGATION PLAN	)	**FIRST PREHEARING ORDER AND ORDER GRANTING INTERVENTION**

On October 10, 2003, the North Snake Ground Water District and Magic Valley Ground Water District (collectively referred to as the "Applicant") submitted an Application for Approval of Preliminary Mitigation Plan ("Application") to the Department of Water Resources ("Department"). Protests against approval of the Application were filed by the individuals and entities listed in the attached Certificate of Service.

On December 9, 2003, a prehearing conference was conducted in Twin Falls, Idaho to address the management of this proceeding. The Director of the Department presided at the prehearing conference.

Approximately 60 protestants or potential intervenors filed pleadings opposing the approval of the Application. In addition, on December 8, 2003, Pristine Springs, Inc. and SeaPac of Idaho, Inc. petitioned to intervene in the contested case. At the prehearing conference the Director expressed his intention to grant the petition to intervene, and asked the parties to voice opposition if they objected to granting intervention. The parties did not object to granting the petition to intervene.

The Applicant and the following opponents to approval of the Application expressed a desire to initiate discovery, file prehearing motions, gather and present data, and otherwise actively participate in the hearing: Idaho Power Co., Clear Springs Foods Inc., City of Twin Falls, Rangen Inc., Clear Lakes Trout Company, Rim View Trout Company, Fisheries Development Company, Estate of Earl M. Hardy, Twin Falls Canal Company, Pristine Springs, Inc., SeaPac of Idaho, Inc., and Bill Jones. Other parties who did not indicate their desire to actively participate may initiate active participation upon sending written notice of intent to actively participate to the Director. The following is a summary of the Director's determinations at the prehearing conference.

ORDER

IT IS HEREBY ORDERED that the petition to intervene filed by Pristine Springs, Inc. and SeaPac of Idaho, Inc. is **GRANTED** and the intervenors may participate as full parties in this contested case.

IT IS FURTHER ORDERED that all actively participating parties listed above shall submit a statement of issues in this contested case to the Department on or before December 16, 2003. The statement of issues shall include both factual and legal issues that may be raised in the contested case. If issues of law are capable of resolution prior to the hearing, the statement of issues should also suggest a procedure and timetable for addressing the legal issues.

IT IS FURTHER ORDERED that the Applicant shall file any motion to consolidate this contested case with any other administrative contested case and any supporting written argument in support of the motion on or before December 16, 2003. In addition, the statement of issues submitted must also summarize issues related to the other administrative contested cases sought to be consolidated with this case.

IT IS FURTHER ORDERED that any opposition to the motion to consolidate and supporting written argument must be filed with the Department on or before December 23, 2003.

An order addressing the anticipated motion to consolidate will be issued shortly thereafter. The order will be accompanied by a summary of issues the Department must consider in considering the contested case for the mitigation plan and any other contested case consolidated with and considered with the mitigation plan case. A short time period will be granted for the parties to suggest a method and schedule for discovery related to the issues identified in the Department's summary of issues. The Department will then address the pending motions for an order authorizing discovery.

Dated this __10th_ day of December, 2003.

__/Signed/__
Karl J. Dreher
Director