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 ON HEARING SCHEDULE**

On November 25, 2005, the Director issued a *Second Amended Scheduling Order,* which extended the deadline to submit expert witness reports from November 4, 2005, to December 30, 2005, and made other corresponding changes in the hearing schedule. On November 30, 2005, the Director conducted a status conference to discuss: (1) whether the scheduled hearing date should be changed or stayed due to the pendency of related litigation in the district court; (2) other proposed changes to the hearing schedule; and (3) other matters that would expedite the disposition of the matter.

At the status conference, counsel for the surface water right holders generally urged that the hearing be stayed pending resolution of related litigation in the district court, while counsel for the ground water right holders urged that the present schedule be maintained with minor modifications. Among the schedule changes discussed were those proposed by the City of Pocatello ("Pocatello") in *Pocatello's Response in Support of IGWA's Request for Issuance of Amended Scheduling Order and Clarification of Deadlines* filed November 21, 2005. Pocatello suggested that a period of time be included for deposing expert witnesses. In addition, it was noted that the schedule should provide the last day to serve discovery.

ORDER

Based upon consideration of the contrasting views of the parties expressed at the status conference and the status of related litigation pending before the district court, IT IS HEREBY ORDERED that the Second Amended Scheduling Order issued by the Director on November 25, 2005, shall not be modified at this time. Pursuant to that schedule, experts may be deposed upon filing of the expert reports required under the order. A cut-off date for completion of discovery will be provided in a subsequent order.

DATED this 27th day of December 2005.

KARL J. DREHER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of December, 2005, the above and foregoing, was served by the method indicated below, and addressed to the following:

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