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AUG 10 2001
Department of Water Resources

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BEFORE THE DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER RESOURCES

In Re: The Matter of Designating the Thousand Springs Ground Water Management Area and Order in the Matter of Designating the American Falls Ground Water Management Area	**GROUND WATER USERS' REQUEST FOR EXPEDITED HEARING**

Idaho Ground Water Appropriators, Inc., Jerome Cheese Company, a division of Davisco Foods International, Inc., Milk Producers of Idaho, Inc., Unit Three Water Users Association, Aberdeen-American Falls Ground Water District, and Bingham Ground Water District (collectively, the "Ground Water Users"), through their attorneys, Givens Pursley LLP, and pursuant to Idaho Code §§42-233A, 42-1701A, 67-5201 et seq., and IDAPA 37.01.01 and 37.03.11030.06 hereby request an immediate hearing before the Director on the August 3, 2001 Order of the Department of Water Resources ("Department") in the Matter of Designating the Thousand Springs Ground Water Management Area and Order in the Matter of Designating the American Falls Ground Water Management Area ("Orders").

The Department's Orders violate the provisions of Idaho Code §§ 67-5201 et seq. and 42-233b, and deny the Ground Water Users due process guaranteed by the United States and Idaho

Constitutions. As such, the Department's Orders violate constutional and statutory provisions, exceed the Department's statutory authority, are made upon unlawful procedure and are arbitrary, capricious and an abuse of discretion. Further, the Department's actions are not supported by substantial evidence.

Because: 1) of the imminent and irreparable harm to Ground Water Users that will occur if the Orders stand; 2) the Department's publicly stated intention to issue curtailment orders against the Ground Water Users or their members in furtherance of the Orders; and 3) the necessity that Ground Water Users be afforded the opportunity for timely judicial review of any ruling adverse to the Ground Water Users following the requested hearing, the Ground Water Users assert that such hearing must be held by the Department prior to August 17, 2001. If the Department refuses Ground Water Users' request that a hearing be held prior to August 17, 2001, that such refusal be conveyed and certified to the Ground Water Users by the Department by written final order received by the Ground Water Users on or before August 15, 2001.

The purpose of this Request for Expedited Hearing is to exhaust the Ground Water Users' administrative remedies and obtain timely and meaningful judicial review. The Ground Water Users neither assert that the requested hearing provides the due process owed them and required by law, nor do they waive their right to same.

Dated this 10th day of August 2001.

GIVENS PURSLEY LLP

Jerry C. Jeredy

Attorneys for Idaho Ground Water Appropriators, Inc., Jerome Cheese Company, Inc., Milk Producers of Idaho, Inc., Unit Three Water Users Association, Aberdeen-American Falls Ground Water District, and Bingham Ground Water District (collectively, the "Ground Water Users")

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of August, 2001, I caused to be served a true and correct copy of the foregoing to each of the following persons by the method indicated below:

John A. Rosholt, Esq. Barker Rosholt & Simpson LLP 1221 W. Idaho, Suite 600 P.O. Box 2139 Boise, ID 83701-2139	✓ ____ ____ ____	U.S. Mail Overnight Courier Hand Delivery Facsimile
Phillip J. Rassier, Esq. Idaho Department of Water Resources 1301 N. Orchard Boise, ID 83720	____ ____ ✓ ____	U.S. Mail Overnight Courier Hand Delivery Facsimile

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