BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTERS OF DESIGNATING THE AMERICAN FALLS GROUND WATER MANAGEMENT AREA AND THE THOUSAND SPRINGS GROUND WATER MANAGEMENT AREA	)	**ORDER STAYING PROCEEDINGS**

On August 3, 2001, the Director of the Idaho Department of Water Resources ("Director") issued separate orders establishing the American Falls Ground Water Management Area ("American Falls GWMA") and the Thousand Springs Ground Water Management Area ("Thousand Springs GWMA") pursuant to Idaho Code § 42-233b. The Director designated the two ground water management areas due to the depletionary effects of ground water withdrawals under junior priority water rights on the already inadequate water supplies expected to be available for senior priority water rights from connected surface water sources because of the severe drought conditions being experienced across the Snake River Plain. Notice of the establishment of the two ground water management areas was published for two weeks in newspapers of general circulation in the affected areas.

In response to requests for hearing, the Director on August 12, 2001, set the two GWMA designations for hearing on September 24, 25, 26, and 27, 2001, at the Department's main office in Boise. The following entities have entered appearances or moved to intervene in one or both of the proceedings: Idaho Ground Water Appropriators, Inc.; Jerome Cheese Company; Milk Producers of Idaho, Inc.; Unit Three Water Users Association; Aberdeen-American Falls Ground Water District; and Bingham Ground Water District (all through the law firm of Givens Pursley LLP); Aberdeen-Springfield Canal Company; A & B Irrigation District; and Falls Irrigation District (all through the law firm of Ling and Robinson); Basic American Foods; Lamb-Weston; North Snake Ground Water District; J. R. Simplot Company; and the City of Pocatello (all through the law firm of Beeman & Associates, P.C.); Idaho Dairymen's Association through the law firm of Moffatt Thomas Barrett Rock & Fields; and Western Legends LC through its co-manager, Michael McCarthy (petition to intervene in Thousand Springs only).

Upon designation of a GWMA, Idaho Code § 42-233b authorizes the curtailment of water rights on a time priority basis within an area determined by the Director, provided the order of curtailment is issued prior to September 1 for the following irrigation season. On August 31, 2001, the Director announced that because of agreements in principle reached between holders of junior priority ground water rights and holders of senior priority surface water rights, no curtailment orders would be issued for the American Falls GWMA or the Thousand Springs GWMA, provided the agreements in principle are followed by detailed written agreements that provide for increases in surface water supplies similar to those that the Department sought to achieve through designation of the ground water management areas and curtailment of ground water diversions under certain junior priority water rights. Because of

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these agreements, the Director has determined to stay further action in these proceedings challenging the designation of the ground water management areas until the designations are withdrawn or the parties to the agreements in principle and subsequent written agreements fail to implement their commitments.

ORDER

IT IS THEREFORE ORDERED that the entities identified above who have filed petitions contesting the American Falls or Thousand Springs Ground Water Management Area designations, or who have filed notices of appearance or petitions to intervene in one or both of the proceedings are hereby recognized as full parties through timely appearance or intervention in the respective proceedings.

IT IS FURTHER ORDERED that the hearing presently set in these proceedings to commence on September 24, 2001, is hereby vacated, and all matters associated with the proceedings shall be stayed until further order of the Director. The existing rights of the parties to raise issues regarding these matters shall not be diminished by the issuance of this order.

IT IS FURTHER ORDERED that pursuant to Department Rule of Procedure 710, IDAPA 37.01.01710, this is an interlocutory order that does not decide substantive issues presented in the proceedings and is not subject to review by reconsideration or appeal. The Director may review this interlocutory order pursuant to Rule 711, IDAPA 37.01.01711.

DATED this 14th day of September 2001.

KARL J. DREHER
Director

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of September 2001, I caused a true and correct copy of the foregoing Order Staying Proceedings to be sent by U.S. Mail, postage paid to the following:

Jeffrey C. Fereday, Esq.
Michael C. Creamer, Esq.
John M. Marshall, Esq.
Givens, Pursley, LLP
277 N. 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720

John A. Rosholt, Esq.
Barker Rosholt & Simpson LLP
142 3rd Avenue North
P.O. Box 1906
Twin Falls, ID 83303-1906

John K. Simpson
Barker Rosholt & Simpson LLP
1221 W. Idaho Street, Suite 600
P.O. Box 2139
Boise, ID 83701-2139

Scott L. Campbell, Esq.
Moffatt Thomas
101 S. Capitol Boulevard, 10th Floor
P.O. Box 829
Boise, ID 83701-0829

Josephine P. Beeman
Beeman & Associates, P.C.
409 W. Jefferson Street
Boise, ID 83702

Roger D. Ling
Ling & Robinson
615 "H" Street
P.O. Box 396
Rupert, ID 83350-0396

Michael J. McCarthy
Co-Manager
Western Legends LC
P.O. Box 5656
Twin Falls, ID 83303

Ronald D. Carlson, Manager
Department of Water Resources
Eastern Regional Office
900 North Skyline Drive
Idaho Falls, ID 83402-6105

Allen D. Merritt, Manager
Department of Water Resources
Southern Regional Office
1341 Fillmore Street, Suite 20
Twin Falls, ID 83301

Lisa A. Hall

Lisa A. Hall
Administrative Assistant
Director's Office

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