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	)	**ORDER GRANTING EXTENSION OF TIME TO FILE MITIGATION PLAN**

On April 29, 2005, A & B Irrigation District filed a *Motion for Extension of Time to File Mitigation Plan* in the above-captioned matter. A & B Irrigation District asserts that it is the claimant and beneficial right holder of water rights nos. 36-15127B, 36-15193B, 36-15194B, 36-15195B, and 36-15196B. The Director of the Department of Water Resources ("Director" or "Department") issued an *Order* in this matter on April 19, 2005, which was amended May 2, 2005. The Director's *Order* set a deadline of April 29, 2005, for submission of a plan for providing replacement water in lieu of curtailment for those ground water rights subject to immediate curtailment under the Order, based on the priorities of the rights.

Paragraph 9 of the Director's *Amended Order* of May 2, 2005, provides that, "[r]equests for extensions to file a plan for good cause will be considered on a case-by-case basis and granted or denied based on the merits of any such individual request for extension." A & B Irrigation District asserts as a basis for its request for extension of time that it did not receive a copy of the notice from the Watermaster of Water District No. 130 that certain of its water rights were subject to immediate curtailment until April 29, 2005. A & B Irrigation District requests

additional time to adequately prepare its own mitigation plan containing curtailment, conversion of water sources, and other actions which will fully mitigate any depletions under the above-mentioned five (5) water rights.

ORDER

The Director, having reviewed A & B Irrigation District's *Motion for Extension of Time to File Mitigation Plan*, and finding good cause therefor, hereby grants an extension of time until May 13, 2005, for A & B Irrigation District to submit a plan for providing replacement water in lieu of curtailment for those ground water rights subject to immediate curtailment under the Director's *Amended Order* of May 2, 2005. The Director will take action on the plan as soon as practicable after it is submitted, provided that if no plan is submitted or the plan is not approved prior to the completion of the 2005 irrigation season, any required mitigation shall be provided in accordance with ordering paragraph two of the Amended Order. Amended Order at p. 45, ¶ 2.

Dated this 6th day of May 2005.

KARL J. DREHER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of May, 2005, the above and foregoing, was served by the method indicated below, and addressed to the following:

TOM ARKOOSH ARKOOSH LAW OFFICES PO BOX 32 GOODING ID 83330 (208) 934-8873 alo@cableone.net	(x) U.S Mail, Postage Prepaid ( ) Facsimile (x) E-mail
W. KENT FLETCHER FLETCHER LAW OFFICE PO BOX 248 BURLEY ID 83318-0248 (208) 878-2548 wkf@pmt.org	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
ROGER D. LING LING ROBINSON PO BOX 396 RUPERT ID 83350-0396 (208) 436-6804 lnrlaw@pmt.org	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
JOHN ROSHOLT TRAVIS THOMPSON BARKER ROSHOLT 113 MAIN AVE WEST STE 303 TWIN FALLS ID 83301-6167 (208) 735-2444 jar@idahowaters.com tlt@idahowaters.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
JOHN SIMPSON BARKER ROSHOLT PO BOX 2139 BOISE ID 83701-2139 (208) 344-6034 jks@idahowaters.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail

JEFFREY C. FEREDAY MICHAEL C. CREAMER GIVENS PURSLEY LLP PO BOX 2720 BOISE ID 83701-2720 (208) 1300 cf@givenspursley.com mcc@givenspursley.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
SCOTT CAMPBELL MOFFATT THOMAS PO BOX 829 BOISE ID 83701 (208) 385-5384 slc@moffatt.com	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
KATHLEEN CARR OFFICE OF THE FIELD SOLICITOR 550 W FORT STREET MSC 020 BOISE ID 83724 (208) 334-1378	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
GAIL MCGARRY PN-3100 US BUREAU OF RECLAMATION 1140 N CURTIS ROAD BOISE ID 83706-1234 (208) 378-5066 emcgarry@pn.usbr.gov	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
RON CARLSON LEWIS ROUNDS IDWR 900 N SKYLINE DR IDAHO FALLS ID 83402-6105 (208) 525-7177 ron.Carlson@idwr.idaho.gov lewis.rounds@idwr.idaho.gov	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail
ALLEN MERRITT CINDY YENTER IDWR 1341 FILLMORE ST STE 200 TWIN FALLS ID 83301-3033 (208) 736-3037 allen.merritt@idwr.idaho.gov cindy.yenter@idwr.idaho.gov	(x) U.S. Mail, Postage Prepaid ( ) Facsimile (x) E-mail

COURTESY COPY

JOSEPHINE P. BEEMAN
BEEMAN & ASSOC.
409 W JEFFERSON
BOISE ID 83702
(208) 331-0954
jo.beeman@beemanlaw.com

(x) U.S. Mail, Postage Prepaid
( ) Facsimile
(x) E-mail

MICHAEL GILMORE
ATTORNEY GENERAL'S OFFC
PO BOX 83720
BOISE ID 83720-0010
(208) 334-2830
mike.gilmore@ag.idaho.gov

(x) U.S. Mail, Postage Prepaid
( ) Facsimile
(x) E-mail

Victoria Wigle

Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources