

**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 District Nos. 34, 110, 120, and 130))
_____)

**ORDER APPROVING
STIPULATION AND
JOINT MOTION FOR
RESCHEDULED HEARING**

On June 20, 2007, the Director of the Department of Water Resources (“Director” or “Department”) issued an order in the above-entitled matter approving a stipulated hearing schedule and the use of pre-filed testimony and exhibits. The schedule provided for a hearing to commence on November 28, 2007.

On July 27, 2007, the Idaho Ground Water Appropriators, Inc. (“IGWA”), 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 (collectively referred to as the “Surface Water Coalition” or “Coalition”), filed with the Department a *Stipulation and Joint Motion for Rescheduled Hearing and Order* (“Stipulation”). The City of Pocatello and the United States Bureau of Reclamation did not sign the Stipulation but authorized the signing parties to represent that they will not object to the proposed rescheduling. Two other parties to the matter, the Idaho Dairymen’s Association (“IDA”) and the State Agency Ground Water Users (“SAGWU”), did not sign the Stipulation.

On July 31, 2007, IDA filed *Idaho Dairymen’s Association Response to Stipulation and Joint Motion for Revised Hearing Schedule and Order* (“IDA Response”). The IDA Response states, “IDA joins in paragraphs 3 and 4 of the Stipulation, and takes no position with respect to the balance of the Stipulation concerning the proposed amended hearing schedule.”

On August 1, 2007, SAGWU filed *State Agency Ground Water Users’ Joinder in Stipulation and Joint Motion for Rescheduled Hearing and Order* (“SAGWU Response”). The SAGWU Response joins in the Stipulation.

The Stipulation entered into between IGWA and the Surface Water Coalition provides as follows:

1. That the existing hearing schedule and prehearing deadlines be revised and the following schedule be adopted:

September 26, 2007	Deadline for updating expert reports previously disclosed; deadline for pre-filed direct testimony (required for retained consultants / optional for others), and all exhibits to be used at hearing with experts;
November 7, 2007	Deadline for rebuttal reports; deadline for pre-filed rebuttal testimony and all exhibits to be used in rebuttal;
November 14, 2007	Deadline to disclose all lay witnesses / identify all exhibits to be used at hearing with lay witnesses (as well as any pre-filed direct testimony for lay witnesses, if desired);
November 28, 2007	Deposition deadline / discovery completed deadline;
December 21, 2007	Written opening brief / trial brief (if desired);
January 4, 2008	Prehearing conference and hearing on prehearing motions; and
January 16 to February 6, 2008	Hearing.

2. No party to this stipulation will seek a continuance of the above schedule, unless for death, illness, or similar circumstances beyond their control.

3. No party to this stipulation will seek to disqualify the proposed designated hearing officer identified to the parties' counsel either with or without cause.

4. The parties to this stipulation agree to cooperate in good faith to timely complete prehearing discovery.

5. That the Director or Hearing Officer enter an Order approving this Stipulation and Joint Motion for Rescheduled Hearing and Order without oral argument or hearing. Counsel for the parties have contacted counsel for the City of Pocatello and the United States Bureau of Reclamation. The city and Reclamation do not join in this Stipulation and Motion, but authorize the parties to represent that they will not object to the proposed rescheduling.

6. If the Director or the Hearing Officer does not enter an Order approving the Stipulation and granting this Motion and the motion filed by Blue Lakes Trout Farm, Inc., Clear Springs Foods, Inc., and IGWA in the proceeding regarding Blue Lakes' Delivery Call and Clear Springs' Delivery Call, this

Stipulation shall not be binding upon any party, shall be deemed withdrawn, with the hearing remaining as scheduled by previous Order.

7. This Stipulation and Joint Motion for Rescheduled Hearing and Order is made upon the grounds and for the reasons that the foregoing Stipulation will avoid scheduling conflicts with the hearing schedule in the Blue Lakes and Clear Springs delivery calls, enable the parties to fully prepare for the hearings, and facilitate a timely and orderly disposition of all proceedings.

ORDER

Based upon the *Stipulation and Joint Motion for Rescheduled Hearing and Order* filed by IGWA and the Surface Water Coalition, and the responses thereto filed by IDA and SAGWU, and good cause appearing therefor,

IT IS HEREBY ORDERED that the provisions of the foregoing Stipulation, including the revised hearing schedule and prehearing requirements, be and are hereby approved and shall bind the parties in accordance with their respective agreement to the same.

IT IS FURTHER ORDERED that any petition for intervention by additional persons or entities to become a party to this proceeding shall be considered only if they accept the designated hearing officer and the existing hearing and prehearing schedule.

Dated this 1st day of August, 2007.



DAVID R. TUTHILL, JR.
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of August, 2007, the above and foregoing, was served by the method indicated below, and addressed to the following:

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