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2008 OCT 10 PM 3:38 DEPARTMENT OF WATER RESOURCES

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BY:  DEPUTY


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

A & B Irrigation District, American Falls)	
Reservoir District #2, Burley Irrigation)	Case No. CV-2008-0000551
District, Milner Irrigation District,)	
Minidoka Irrigation District, Northside)	ORDER STAYING PETITION
Canal Company, and Twin Falls Canal)	UNTIL FURTHER ORDER OF
Company,)	COURT
)	
Plaintiffs,)	
)	
vs.)	
)	
David Tuthill, Jr. as Director of IDWR)	
and IDAHO DEPARTMENT OF)	
WATER RESOURCES,)	
)	
Defendants.)	

On September 5, 2008, Idaho Department of Water Resources Director David R. Tuthill, Jr. issued a *Final Order Regarding the Surface Water Coalition Delivery Call*. On September 11, 2008, the Surface Water Coalition filed a *Notice of Appeal and Petition for Judicial Review of Agency Action* with this Court. However, on September 25, 2008, the United States Bureau of Reclamation filed a *Petition for Reconsideration* before the Director. In addition, the City of Pocatello filed their *Response to Reclamation's Petition for Reconsideration of the Director's Final Order* on October 2, 2008. Idaho Administrative Procedures Act § 67-5273 grants this Court the authority to extend the time period for filing petitions and cross-petitions for judicial review pending the petitioner's attempts to exhaust administrative remedies, including petitions for reconsideration.

Based on the foregoing, it is HEREBY ORDERED that the proceedings on petitions for judicial review filed in the above-mentioned matter are **STAYED** pending a ruling from the Director of the Idaho Department of Water Resources on the *Petition for Reconsideration* and until further order of this Court.

Dated Oct. 10, 2008


JOHN M. MELANSON
District Judge

CERTIFICATE OF MAILING

I hereby certify that on Friday, October 10, 2008, a true and correct copy of the foregoing order was served by placing the same in the respective courthouse mail boxes or by regular postal service to the following:

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