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TOSTRICT GOURT GOODING CO, IDAHO FILED

DEPARTMENT OF WATER RESOURCES

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

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, UNITED STATES OF AMERICA BUREAU OF RECLAMATION,)))))))))))))))))))
Petitioners,) Case No. 2008-000551
vs. IDAHO DAIRYMEN'S ASSOCIATION, INC.,) ORDER GRANTING) UNOPPOSED MOTION FOR) EXTENTION OF TIME TO FILE) ORDER ON REMAND
Cross-Petitioner,) }
vs.)
GARY SPACKMAN, in his capacity as Interim Director of the Idaho Department of Water Resources, and THE DEPARTMENT OF WATER RESOURCES,)))))
Respondents.)
IN THE MATTER OF DISTRIBUTION OF WATER TO VARIOUS WATER RIGHTS HELD BY OR FOR THE)))

¹ Director David R. Tuthill retired as Director of Idaho Department of Water Resources effective June 30, 2009. Gary Spackman was appointed as Interim Director, I.R.C.P. 25 (d) and (e).

BENEFIT OF A&B IRRIGATION)
DISTRICT, AMERICAN FALLS	.)
RESERVOIR DISTRICT #2, BURLEY)
IRRIGATION DISTRICT, MILNER	j.
IRRIGATION DISTRICT, MINDOKA)
IRRIGATION DISTRICT, NORTH SIDE)
CANAL COMPANY, AND TWIN FALLS	j.
CANAL COMPANY.)

On July 24, 2009, this Court issued its Order on Petition for Judicial Review in the above-captioned matter. In its Order, this Court held that the Director of the Idaho Department of Water Resources ("Director" or "IDWR") abused discretion by issuing two Final Orders in response to Hearing Officer Schroeder's Recommended Order of April 29, 2008. Specifically, this Court held that the Director failed to apply new methodologies for determining material injury to reasonable in-season demand and reasonable carryover. Thereafter, parties to this matter filed Petitions for Rehearing.

After a hearing on Petitions for Rehearing, this Court issued its Order Staying Decision on Petition for Rehearing Pending Issuance of Revised Final Order, on March 4, 2010. In its Order, the Court ordered the Director to issue a revised Final Order, determining material injury to reasonable in-season demand and reasonable carryover by March 31, 2010. The Court ordered a stay of its decision on rehearing until such an order was issued and the time period for filing motions for reconsideration or petitions for judicial review had expired.

On March 29, 2010, IDWR filed an *Unopposed Motion for Extension of Time to File Order on Remand*, requesting that this Court extend the deadline for issuing the new *Final Order* from March 31, 2010 to April 7, 2010. IDWR stated that the parties do not oppose IDWR's request to extend the deadline.

Therefore, IT IS HEREBY ORDERED that the deadline for the Director to issue a new Final Order determining material injury to reasonable in-season demand and reasonable carryover is extended to April 7, 2010. Pursuant to the Court's Order Overruling Objection to Order Staying Decision, the Court shall continue to hold in abeyance any final decision on rehearing in this matter until the Director issues a Final

Order and the time periods for filing motions for reconsideration and petitions for judicial review of the new order have expired.

IT IS SO ORDERED.

Dated March 29, 2010.

JOHNM. MELANSON District Judge, Pro Tem.

NOTICE OF ORDERS

I.R.C.P. 77(d)

I, Cynthia R. Eagle-Ervin, Deputy Clerk of Gooding County do hereby certify that on the 29 of March 2010, pursuant to Rule 5(e)(1) the District Court filed in chambers the foregoing instrument and further pursuant to Rule 77(d) I.R.C.P., I have this day caused to be delivered a true and correct copy of the within and foregoing instrument: Order Granting Unopposed Motion for Extension of Time File Order on Remand to the parties listed below via the U.S. Postal Service, postage prepaid:

John Simpson P.O. Box 2139 Boise, ID 83701-2139

John Rosholt Travis Thompson BARKER ROSHOLT & SIMPSON P.O. Box 485 Twin Falls, ID 83303-0485

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Kent Fletcher FLETCHER LAW P.O. BOX 248 Burley, ID 83318

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Chris Bromley Idaho Department of Water Resources P.O. Box 83720 Boise, ID 83720-0098 Dean Tranmer CITY OF POCATELLO P.O. Box 4169 Pocatello, ID 83204-1391

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Randy Budge Candace McHugh RACINE OLSON P.O. Box 1391 Pocatello, ID 83204-1391

Dated: March 29, 2010

Cynthia R. Eagle-Ervin, Deputy Clerk

Notice of Orders Certificate of Mailing IRCP 77(d)