

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN RE: PETITIONS OF NORTH SIDE CANAL)	
COMPANY, TWIN FALLS CANAL COMPANY,)	ORDER VACATING
AND CLEAR SPRINGS FOODS, INC., FOR)	HEARING AND
ESTABLISHMENT OF GROUND WATER)	EXTENDING DISCOVERY
MANAGEMENT AREAS IN ADMINISTRATIVE)	SCHEDULE
BASINS 35 AND 36)	
_____)	

This matter was commenced on July 16, 2001 with the filing of letters from the North Side Canal Company, the Twin Falls Canal Company, and Clear Springs Foods, Inc. (“Petitioners”) requesting the Department of Water Resources (“Department”) to establish ground water management areas, pursuant to Idaho Code § 42-233b, in the areas encompassed by Administrative Basins 35 and 36. The Director proceeded under the Department's Rules of Procedure, IDAPA 37.01.01, to consider the requests as petitions for the creation of ground water management areas including all of Basins 35 and 36 in accordance with Rule 30.06, IDAPA 37.03.11030.06, and set the petitions for hearing on August 28, 2001.

On August 10, 2001, Respondents 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 (“Respondents”), through their attorneys, Givens Pursley LLP, filed with the Department pleadings titled “Ground Water Users’ Response To Surface Water Users’ Petitions To Establish Ground Water Management Areas,” and “Respondent Ground Water Users’ Motion For Discovery Order.” On August 12, 2001, the Director entered an order authorizing the parties to engage in discovery commencing with the date of the order and ending on August 24, 2001.

On August 16, 2001, Respondents filed with the Department a motion to vacate the scheduled hearing date of August 28, 2001 and to reconsider the discovery schedule requiring completion of discovery by August 24, 2001. The Department's favorable action in response to Respondents' motion should not be construed as concurrence in the various allegations and arguments contained in the Respondents' motion.

Good cause appearing therefor, and the motion not being otherwise opposed the Department orders as follows in response to Respondents' motion:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the hearing date set for August 28, 2001 in this matter is hereby vacated and the matter instead is set for a prehearing conference on the same date, August 28, 2001 at 10 a.m., in the Department Conference Room, 1301 North Orchard St., Boise, Idaho.

IT IS FURTHER ORDERED that the discovery schedule previously set by the Department in this matter is hereby extended. New discovery deadlines will be established following the prehearing conference.

IT IS FURTHER ORDERED that the hearing will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the Department prior to the conference.

DATED this 24th day of August 2001.


NORMAN C. YOUNG, Administrator
Water Management Division

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of August 2001, I caused a true and correct copy of the foregoing Order on Withdrawal of Petitions to be sent by U.S. Mail, postage paid to the following:

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