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Department of Water Resources

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Attorneys for Petitioners Twin Falls Canal Company and North Side Canal Company

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF MODIFYING THE)
BOUNDARIES OF THE AMERICAN)
FALLS GROUND WATER MANAGEMENT) MOTION TO STAY
AREA) AUGUST 29, 2003 ORDER
)
)
_____)

COME NOW, Petitioners, TWIN FALLS CANAL COMPANY and NORTH SIDE CANAL COMPANY (hereinafter "Canal Companies"), by and through its attorneys, BARKER ROSHOLT & SIMPSON LLP, and hereby move the Director and/or the Idaho Department of Water Resources for a stay of the Director's *Order Modifying the Boundaries of the American Falls Ground Water Management Area* issued on August 29, 2003.

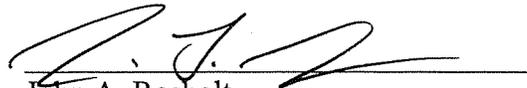
A stay of the August 29, 2003 Order is necessary to retain the original ground water management area designation pending resolution of the issues raised by the Canal Companies in its *Petition to Initiate Contested Case*. With continued declining spring flows and tributary reach gains expected into next year's irrigation season, the water supply in the original American Falls Ground Water Management Area remains "inadequate" to fully satisfy the Canal Companies' water rights. As such the Director should retain certain authorities and obligations set forth under I.C. § 42-233b. In addition, declining ground water levels in the Eastern Snake Plain

Aquifer (“ESPA”) requires that the ground water management area designation remain in place for purposes of protecting existing water supplies and in order to prevent the aquifer from becoming a “critical ground water area.”

This motion is made pursuant to IDAPA 37.01.01.260 and 37.01.01.780, and is supported by the record in this proceeding. The Canal Companies request an expedited hearing on this motion.

DATED this 2nd day of October 2003.

BARKER ROSHOLT & SIMPSON LLP



John A. Rosholt
John K. Simpson
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Attorneys for Twin Falls Canal Company and
North Side Canal Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 2nd, 2003, I served a true and correct copy of the foregoing *Motion to Stay August 29, 2003 Order* upon the following by hand delivery:

Original:

Director Karl J. Dreher
Idaho Department of Water Resources
1301 N. Orchard St.
P.O. Box 83720
Boise, Idaho 83720-0098


Travis L. Thompson