

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

IN THE MATTER OF MODIFYING
THE BOUNDARIES OF THE
AMERICAN FALLS GROUND
WATER MANAGEMENT AREA

**ORDER GRANTING JOINT
PETITION FOR STAY**

On August 29, 2003, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) issued the *Final Order Modifying the Boundaries of the American Falls Ground Water Management Area* (“Final Order”). The Final Order modified the boundaries of the American Falls Ground Water Management Area (“American Falls GWMA”) by removing the areas designated as Water District No. 120 and Water District No. 130 from the American Falls GWMA. Pursuant to Idaho Code § 42-233b, notice of the modification of the boundaries of the American Falls GWMA was published in two (2) consecutive issues of newspapers of general circulation in the area.

On October 2, 2003, the Twin Falls Canal Company and North Side Canal Company (“Canal Companies”) filed the *Petition to Initiate Contested Case* (“2003 Petition”) with the Department seeking administrative review of the Final Order. The Canal Companies further requested a stay of the Final Order and a hearing for the issues discussed in their petition. *2003 Petition* at 8. They simultaneously filed the *Motion to Stay August 29, 2003 Order* with the 2003 Petition.

On November 21, 2003, the Department served the *Notice of Contested Case and Notice of Status Conference* on the parties, setting the status conference to be held on December 12, 2003.

Petitions to intervene in this proceeding were filed by the Idaho Ground Water Appropriators, Inc. (“IGWA”) and the Falls Irrigation District (“FID”) on December 8, 2003 and December 16, 2003, respectively.

A status conference was held on December 12, 2003. Subsequently, the Department issued the *Order on Status Conference and Granting Petitions to Intervene* (“Order on Status Conference”) on December 24, 2003. The Order on Status Conference stayed the contested case until April 1, 2004 and extended the deadline to file petitions to intervene to April 1, 2004. Additionally, the petitions to intervene filed by IGWA and FID were granted and a second status conference was set for April 5, 2004.

From the Director's review of the file in this matter, it does not appear that the second status conference was held.

On August 15, 2013, the Canal Companies filed the *Petition to Schedule Hearing in Contested Case* ("2013 Petition") requesting the Department resume action and set a hearing date for this matter. Also filed on the same day was a petition to intervene and memorandum in support by A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District and Minidoka Irrigation District.

On October 11, 2013, the Department issued the *Notice of Contested Case and Notice of Status Conference* activating the contested case before the Department and setting a status conference to be held on December 5, 2013.

A status conference was held on December 5, 2013. Participants agreed to a schedule for filing and responding to petitions to intervene and for submission of a statement of issues by each of the parties. On December 27, 2013, the Department issued the *Scheduling Order* which formalized the deadlines for filing petitions to intervene, responses to the petitions to intervene, and statements of procedural issues in the matter.

In response to the agreed upon schedule during the status conference, Petitions to Intervene were filed by the Aberdeen-Springfield Canal Company, the City of Pocatello, and the Idaho Dairymen's Association.

On January 14, 2014, prior to the Director acting on the petitions to intervene, a Joint Petition for Stay was filed with the Department by all the parties and potential intervenors in this matter, requesting the stay of the contested case until a motion to resume proceedings is filed by any of the petitioners. Oral argument was not requested.

ORDER

IT IS HEREBY ORDERED that the above-captioned contested case is hereby stayed as requested in the January 14, 2014 *Joint Motion for Stay*. The stay applies to all pending deadlines provided in the *Scheduling Order* issued by the Department on December 27, 2013.

IT IS FURTHER ORDERED that the petitioners may re-active this matter by filing a motion to resume proceedings with the Department.

DATED this 17th day of January, 2014.


GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 17th day of January, 2014, served the foregoing ORDER GRANTING JOINT PETITION FOR STAY upon all parties of record in this proceeding, by mailing a copy thereof, properly addressed with postage prepaid and by email to the following:

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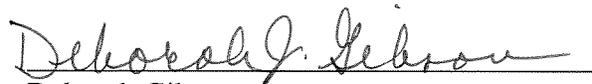
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