

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Roger D. Ling, ISB No. 1018
Michael P. Tribe, ISB No. 6816
LING, ROBINSON & WALKER
Attorneys at Law
615 H Street
P. O. Box 396
Rupert, Idaho 83350
Telephone (208) 436-4717
Facsimile (208) 436-6804

Attorneys for Claimant,
A & B Irrigation District

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

IN THE MATTER OF DISTRIBUTION OF)
WATER TO VARIOUS WATER RIGHTS)
HELD BY OR FOR THE BENEFIT OF 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)

**MOTION FOR EXTENSION OF TIME
TO FILE MITIGATION PLAN**

COMES NOW A & B Irrigation District, claimant and beneficial right holder of
Water Right Nos. 36-15127B, 36-15193B, 36-15194B, 36-15195B, and 36-15196B, now on
appeal to the Idaho Supreme Court, and moves for an Order that the deadline for filing a
mitigation plan on or before April 29, 2005, as contained in the Order in this matter dated April
19, 2005, be vacated and that the time for filing a mitigation plan by the undersigned be extended

MOTION FOR EXTENSION OF TIME TO FILE MITIGATION PLAN - I

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

on the grounds and for the reasons that neither A & B Irrigation District nor the Bureau of Reclamation, United States Department of the Interior, received notice from the Watermaster of Water District No. 130 that the above water rights would be curtailed if replacement water was not provided and an approved mitigation plan submitted to IDWR no later than April 29, 2005, and that after numerous inquiries, a copy of the letter of curtailment from the Watermaster of Water District 130 was obtained on April 29, 2005 from the Bureau of Reclamation, which shows that said letter was addressed to the United States of America, acting through the United States Department of Interior, Bureau of Land Management, and that said letter identifies five (5) water rights of A & B Irrigation District, four (4) water rights recommended in the name of the Bureau of Land Management, and one (1) water right recommended in the name of an individual for the irrigation of land outside the boundaries of A & B Irrigation District, and said A & B Irrigation District has not had sufficient time to make further inquiries to adequately prepare its own mitigation plan containing curtailment, conversion of water sources and other acts which will fully mitigate any depletions under the above-mentioned five (5) water rights.

DATED this 29th day of April, 2005.

LING, ROBINSON & WALKER

By: Michael S. Tibe for:
Roger D. Ling
Attorney for A & B Irrigation District

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of April, 2005, I served copies of the foregoing *Motion for Extension of Time to File Mitigation Plan* upon:

John K. Simpson
Barker, Rosholt & Simpson
P. O. Box 2139
Boise, Idaho 83701-2139

Gail McGarry PN-3100
U. S. Bureau of Reclamation
1140 N. Curtis Road
Boise, Idaho 83706-1234

C. Tom Arkoosh
Arkoosh Law Offices
P. O. Box 32
Gooding, Idaho 83330

Scott Campbell
Moffatt Thomas
P. O. Box 829
Boise, Idaho 83701

W. Kent Fletcher
Fletcher Law Office
P. O. Box 248
Burley, Idaho 83318

IDWR – Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Jeffrey C. Fereday
Michael C. Creamer
Givens Pursley, LLP
P. O. Box 2720
Boise, Idaho 83701-2720

IDWR – Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Kathleen Marion Carr
Office of the Field Solicitor
550 W. Forth Street, MSC 020
Boise, Idaho 83724

by depositing copies thereof in the United States mail, postage prepaid, in envelopes addressed to said persons at the foregoing addresses.


Michael P. Tribe

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28