

**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 )  
 )  
 (Water Districts No. 120 and No. 130) )  
 )

**ORDER OF STAY  
AND NOTICE OF  
STATUS CONFERENCE**

This matter is before the Director of the Department of Water Resources (“Director” or “Department”) as a result of a joint *Stipulated Motion for Entrance of Protective Order* (“Stipulated Motion”) filed on January 25, 2006, by the Surface Water Coalition, the Idaho Ground Water Appropriators, Inc. (“IGWA”), and the City of Pocatello (“Pocatello”). The “proposed Protective Order” accompanying the Stipulated Motion seeks a stay in the proceedings “for a period of sixty (60) days from the date of this Order for purposes of allowing the parties to investigate settlement.” On January 23, 2006, the Surface Water Coalition filed a separate *Motion for Stay* (“Motion for Stay”) seeking to stay the hearing scheduled for March 6, 2006.

The Director shall address the request for a stay on an interim basis because of the imminent due dates pending in this proceeding. Among the matters immediately pending is *IGWA and Pocatello’s Motion To Compel Production of Documents* (“Motion to Compel”) filed on January 24, 2006. The Motion to Compel seeks the production of certain materials considered by the Surface Water Coalition’s experts. On January 31, 2006, counsel for Pocatello submitted a letter stating that the Surface Water Coalition has agreed to provide the materials that are the subject of the Motion to Compel but that the documents have not yet been received. Pocatello therefore asks that the Motion to Compel be exempt from the requested stay.

Because the Director has heard only from the three parties who filed the Stipulated Motion, the Director shall schedule a telephone status conference for Friday, February 3, 2006, at 1:30 p.m. to ascertain whether any other party has an objection to entry of the requested stay or protective order in this proceeding. In addition, the Director shall inquire as to whether it is the intention of the parties that the stay apply to the deadline of March 15, 2006, for IGWA to provide an amount of replacement water to the Twin Falls Canal Company as set forth in the *Second Supplemental Order Amending Replacement Water Requirements* issued by the Director on December 27, 2005.

## ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED as follows:

As an initial response to the January 25, 2006, *Stipulated Motion for Entrance of Protective Order*, filed jointly by the Surface Water Coalition, the Idaho Ground Water Appropriators, Inc., and the City of Pocatello, all scheduled filing dates in this proceeding shall be stayed pending a status conference to be conducted on Friday, February 3, 2006, at 1:30 p.m. This Order shall not stay action on *IGWA and Pocatello's Motion To Compel Production of Documents* filed on January 24, 2006. An order further addressing the requested stay shall be issued following the status conference.

### NOTICE OF STATUS CONFERENCE

**PLEASE TAKE NOTICE** that the Director of the Department of Water Resources has set a status conference in this matter for **February 3, 2006, starting at 1:30 p.m. (MST)** at the Department's offices located at 322 E. Front Street, Boise, Idaho.

All parties to the matter must be represented at the conference in person or by telephone. If participating by telephone, please dial 713-577-1201 and provide participant code 260503.

The parties at the status conference shall be prepared to discuss the matters identified in the foregoing Order.

The conference will be conducted in accordance with 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. Inquires for special accommodations should be directed to Victoria Wigle, Administrative Assistant to the Director, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4803, fax: (208) 287-6700.

DATED this 1<sup>st</sup> day of February 2006.

  
\_\_\_\_\_  
KARL J. DREHER  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1<sup>st</sup> day of February 2006, the above and foregoing, was served by the method indicated below, and addressed to the following:

TOM C. ARKOOSH  
ARKOOSH LAW OFFICES  
PO BOX 32  
GOODING ID 83330  
(208) 934-8873  
[alo@cableone.net](mailto:alo@cableone.net)

U.S Mail, Postage Prepaid  
 Facsimile  
 E-mail

W. KENT FLETCHER  
FLETCHER LAW OFFICE  
PO BOX 248  
BURLEY ID 83318-0248  
(208) 878-2548  
[wkf@pmt.org](mailto:wkf@pmt.org)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

ROGER D. LING  
LING ROBINSON  
PO BOX 396  
RUPERT ID 83350-0396  
(208) 436-6804  
[rdl@idlawfirm.com](mailto:rdl@idlawfirm.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

JOHN A. ROSHOLT  
TRAVIS L. THOMPSON  
BARKER ROSHOLT  
113 MAIN AVENUE WEST, SUITE 303  
TWIN FALLS ID 83301-6167  
(208) 735-2444  
[jar@idahowaters.com](mailto:jar@idahowaters.com)  
[tlr@idahowaters.com](mailto:tlr@idahowaters.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

JOHN K. SIMPSON  
BARKER ROSHOLT  
PO BOX 2139  
BOISE ID 83701-2139  
(208) 344-6034  
[jks@idahowaters.com](mailto:jks@idahowaters.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

JEFFREY C. FEREDAY  
MICHAEL C. CREAMER  
GIVENS PURSLEY  
PO BOX 2720  
BOISE ID 83701-2720  
(208) 388-1200  
[cf@givenspursley.com](mailto:cf@givenspursley.com)  
[mcc@givenspursley.com](mailto:mcc@givenspursley.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

SCOTT L. CAMPBELL  
MOFFATT THOMAS  
PO BOX 829  
BOISE ID 83701  
(208) 385-5384  
[slc@moffatt.com](mailto:slc@moffatt.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

KATHLEEN M. CARR  
OFFICE OF THE SOLICITOR  
960 BROADWAY, SUITE 400  
BOISE ID 83706  
(208) 334-1378

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

MATT HOWARD PN-3130  
US BUREAU OF RECLAMATION  
PACIFIC NORTHWEST REGION  
1150 NORTH CURTIS ROAD  
BOISE ID 83706-1234  
(208) 378-5003  
[mhoward@pn.usbr.gov](mailto:mhoward@pn.usbr.gov)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

JOSEPHINE P. BEEMAN  
BEEMAN & ASSOCIATES  
409 WEST JEFFERSON STREET  
BOISE ID 83702  
(208) 331-0954  
[jo.beeman@beemanlaw.com](mailto:jo.beeman@beemanlaw.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

SARAH A. KLAHN  
WHITE & JANKOWSKI  
511 16TH STREET, SUITE 500  
DENVER CO 80202  
[sarahk@white-jankowski.com](mailto:sarahk@white-jankowski.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

MICHAEL S. GILMORE  
ATTORNEY GENERAL'S OFFICE  
PO BOX 83720  
BOISE ID 83720-0010  
(208) 334-2830  
[mike.gilmore@ag.idaho.gov](mailto:mike.gilmore@ag.idaho.gov)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

TERRY T. UHLING  
J.R. SIMPLOT COMPANY  
999 MAIN STREET  
BOISE ID 83702  
(208) 336-2110  
[tuhling@simplot.com](mailto:tuhling@simplot.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

JAMES C. TUCKER  
IDAHO POWER COMPANY  
1221 WEST IDAHO STREET  
BOISE ID 83702  
(208) 388-2112  
[jamestucker@idahopower.com](mailto:jamestucker@idahopower.com)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

JAMES S. LOCHHEAD  
BROWNSTEIN HYATT & FARBER  
410 17TH STREET, 22ND FLOOR  
DENVER CO 80202  
(303) 223-1100  
[jlochhead@bhf-law.com](mailto:jlochhead@bhf-law.com)

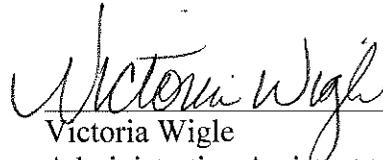
U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

RON CARLSON  
LEWIS ROUNDS  
IDWR  
900 NORTH SKYLINE DRIVE  
IDAHO FALLS ID 83402-6105  
(208) 525-7177  
[ron.carlson@idwr.idaho.gov](mailto:ron.carlson@idwr.idaho.gov)  
[lewis.rounds@idwr.idaho.gov](mailto:lewis.rounds@idwr.idaho.gov)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail

ALLEN MERRITT  
CINDY YENTER  
IDWR  
1341 FILLMORE STREET, SUITE 200  
TWIN FALLS ID 83301-3033  
(208) 736-3037  
[allen.merritt@idwr.idaho.gov](mailto:allen.merritt@idwr.idaho.gov)  
[cindy.yenter@idwr.idaho.gov](mailto:cindy.yenter@idwr.idaho.gov)

U.S. Mail, Postage Prepaid  
 Facsimile  
 E-mail



---

Victoria Wigle  
Administrative Assistant to the Director  
Idaho Department of Water Resources