

AUG 22 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGIONBEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE MITIGATION	)	
PLAN OF THE NORTH SNAKE AND	)	
MAGIC VALLEY GROUND WATER	)	
DISTRICTS IMPLEMENTED BY	)	
APPLICATIONS FOR PERMIT NOS. 02-	)	ORDER VACATING HEARING DATE
10405 AND 36-16645 AND APPLICATION	)	AND CONSOLIDATING
FOR TRANSFER NO. 74904 TO PROVIDE	)	PROCEEDINGS; and NOTICE OF
REPLACEMENT WATER FOR CLEAR	)	PREHEARING CONFERENCE
SPRINGS SNAKE RIVER FARM	)	
	)	
(Water District Nos. 130 and 140)	)	
	)	

On August 13, 2008, the Director of the Department of Water Resources ("Director" or "Department") issued *Notice of Hearing and Order Granting Intervention* ("Notice") in the above-captioned proceeding. The *Notice* set the matter for hearing on September 3 and 5, 2008.

On August 14, 2008, Clear Springs Foods, Inc. ("Clear Springs") filed four sets of *Clear Springs Foods' Motion to Authorize Discovery / Motion to Vacate Hearing Dates / Request for Pre-Hearing Conference* ("Motion") under separate captions for the mitigation plan, the two applications for permit, and the application for transfer combined in the above caption. On August 15, 2008, Clear Lakes Trout Company, Inc. ("Clear Lakes") filed three sets of *Joinder in Clear Springs Foods' Motion to Authorize Discovery / Motion to Vacate Hearing Dates / Request for Pre-Hearing Conference* under separate captions for the two applications for permit and the application for transfer.

Clear Springs explained in its *Motion* that it filed multiple sets of the pleading because the Department had not yet ordered the mitigation plan and associated applications consolidated. To clarify this concern, the Director shall order the mitigation plan and three applications consolidated for hearing before the Department because they present issues that are related and the rights of the parties will not be prejudiced by consolidation. *See* IDAPA 37.01.01.556 (Department Rule of Procedure 556).

Clear Springs' *Motion* asserts that more time than provided for under the Director's August 13 *Notice* is required to prepare for hearing in this consolidated matter and therefore requests that the hearing scheduled for September 3 and 5, 2008 be vacated. Clear Springs also seeks authorization to conduct discovery as part of its preparation for hearing in accordance with Rule 520 of the Department's Rules of Procedure. Finally, Clear Springs requests that a

prehearing conference be set in this matter as provided for in Department Rules of Procedure 510 – 513.

In consideration of the foregoing and good cause appearing therefor, the Director enters the following order in response to Clear Springs' *Motion*:

ORDER

IT IS HEREBY ORDERED that

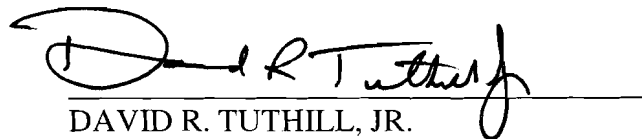
1. The hearing previously scheduled for September 3 and 5, 2008 in this matter is vacated.
2. The mitigation plan, the two applications for permit, and the application for transfer included in the caption for this order are consolidated for hearing before the Department.
3. A prehearing conference in the consolidated matter is scheduled for September 8, 2008, as noticed below for the purposes cited in Department Procedural Rule 510.
4. The request to authorize discovery in this matter shall be addressed following the prehearing conference.

NOTICE OF PREHEARING CONFERENCE

PLEASE TAKE NOTICE that a prehearing conference is scheduled for **September 8, 2008, beginning at 10:00 a.m. (MDT)** at the office of the **Idaho Department of Water Resources, 322 East Front Street, Boise, Idaho**. Parties provided with notice 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 conference will be recorded.

The prehearing 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 hearing, please advise the Department within five (5) days prior to the conference. Inquires about scheduling, hearing facilities, etc., should be directed to Victoria Wigle, Administrative Assistant to the Director, Idaho Department of Water Resources, 322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4803, fax: (208) 287-6700.

Dated this 21st day of August, 2008.


DAVID R. TUTHILL, JR.
Director

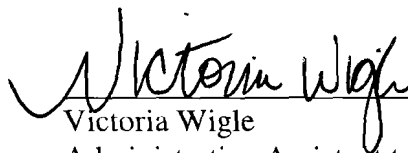
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of August 2008, the above and foregoing, was served by the method indicated below, and addressed to the following:

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