

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

IN THE MATTER OF APPLICATION FOR)
AMENDMENT FOR WATER RIGHT NOS.)
75-7052 AND 75-7589 IN THE NAME OF)
WILLIAMS LAKE RECREATIONAL)
WATER & SEWER DISTRICT)
_____)

**ORDER CONTINUING
HEARING**

On or about September 13, 2006, Milton A. Slavin, attorney for Williams Lake Recreational Water & Sewer District ("Williams Lake District"), filed a motion to continue the hearing for the above contested case, scheduled for September 26 and 27, 2006. The Idaho Department of Water Resources (IDWR) conducted a telephonic prehearing conference for the motion on September 14, 2006 at 5:00 pm. IDWR attempted to notify all of the parties by telephone and/or electronic mail. The following parties participated in the prehearing conference: Williams Lake District, Kathleen Gliksman, Gary C. Hawkins, James Edward Kingston, Gary M. Mulkey, Leslie May Shumate, and Thomas James Thompson. William and Valeea Steinbruegge did not participate.

Each of the participating parties attending verbally expressed support for or opposition against the motion for continuance.

The tests for determining whether a continuance should be granted are (1) Whether there is good cause for the continuance; and (2) Whether a delay in the hearing will have a substantial prejudicial effect on one of the parties.

Milton A. Slavin established that a trial in Idaho district court conflicts with the hearing dates. Slavin also established that the district court trial was scheduled prior to IDWR's service of a notice of hearing.

IDWR did not mail the original notice of hearing and prehearing order until August 21, 2006. Although the parties had been granted approximately three months for informal discovery, the August 21, 2006 prehearing order only granted approximately three weeks for formal discovery. A dispute is presently pending about whether Williams Lake District adequately responded to requests for discovery from the protestants. It is likely that the parties would not have exchanged all information needed for hearing preparation prior to September 26, 2006.

Because Williams Lake District moved for the continuance, loss of time considering the applications will not cause hardship for the district. The only hardships identified by the protestants were medical conditions of Gary Hawkins and James Kingston that might prevent them from attending a hearing in the future.

Based on the above facts, the hearing officer granted the continuance of the hearing scheduled for September 26 – 27, 2006. The hearing officer stated that the hearing would be held sometime in March, April, or May of 2007. The hearing officer also stated that Gary Hawkins and James Kingston could prepare and file written testimony to preserve their testimony for the upcoming hearing.

ORDER

IT IS HEREBY ORDER that the hearing scheduled for **September 26 and 27, 2006** is **canceled** and **continued** until a latter date.

IT IS FURTHER ORDERED that the deadlines for data gathering, disclosure, discovery, and evidence exchange set forth in the *Notice of Hearing, Order Authorizing Discovery and Prehearing Order*, dated August 21, 2006, and in the *Amended Notice of Hearing, Order Authorizing Discovery and Prehearing Order*, dated August 29, 2006 are **canceled**.

IT IS FURTHER ORDERED that each party shall cross out on the enclosed monthly calendars for March, April, and May of 2007 the days the party is unavailable for a hearing. The marked calendars shall be submitted to IDWR on or before **October 5, 2006**. If a party does not submit marked calendars by October 5, 2006, IDWR will assume that all working days during March, April, and May 2007 are available for scheduling the hearing.

IT IS FURTHER ORDERED that the hearing officer will issue the notice of hearing shortly after October 5, 2006. In addition, a prehearing order will define a discovery schedule and how written testimony can be prepared and submitted.

Dated this 22nd day of September, 2006.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of September, 2006, a true and correct copy of the foregoing document(s) described below were served on the following as noted:

Document(s) Served: Order Continuing Hearing

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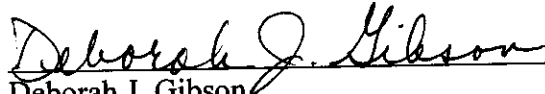
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