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District Court - SRBA Fifth Judicial District In Re: Administrative Appeals County of Twin Falls - State of Idaho	
OCT - 8 2010	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

BLUE LAKES TROUT FARM, )  
 INC., )  
 )  
 Petitioner/Plaintiff, )  
 )  
 vs. )  
 )  
 GARY SPACKMAN, in his official )  
 capacity as Director of the Idaho )  
 Department of Water Resources, )  
 and the IDAHO DEPARTMENT )  
 OF WATER RESOURCES, )  
 )  
 Respondents/Defendants. )  
 \_\_\_\_\_ )

CASE NO.: CV WA ~~1019832~~ 10-19823 | m  
**APPLICATION FOR ALTERNATIVE  
 WRIT OF MANDATE AND/OR MOTION  
 FOR ORDER TO SHOW CAUSE**

COME NOW the Petitioner/Plaintiff, Blue Lakes Trout Farm, Inc. (hereinafter referred to as "Plaintiff"), by and through its undersigned attorneys of record, Ringert Law Chartered, and hereby makes application to the Court pursuant to 74(b) of the Idaho Rules of Civil Procedure for an Alternative Writ of Mandate, compelling Defendants to consider updated, improved and/or new

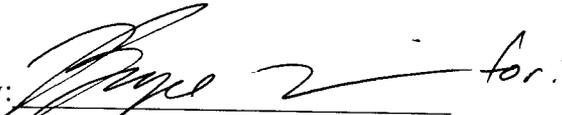
data, analysis and methods for determining the impact of junior ground water diversions on Plaintiff's water rights, and to allow Plaintiff to present such evidence in any proceeding before IDWR related to Plaintiff's water delivery call, or appear before the Court on Thursday, October 28, 2010 at 1:30 p.m., at the SRBA District Court located at 253 3<sup>rd</sup> Ave. N., in Twin Falls, Idaho, and show cause, if they have any, why they have not elected to comply with the terms of the Alternative Writ.

Plaintiff further moves for entry of an Order to Show Cause against Defendants requiring them to show cause why Defendants should not be enjoined from denying Plaintiffs the right to present updated, improved and/or new data, analysis and methods for determining the impact of junior ground water diversions on Plaintiff's water rights in any proceeding before IDWR related to Plaintiff's water delivery call.

This Application and Motion is supported by Plaintiff's *Verified Complaint, Declaratory Judgment Action and Petition for Writ of Mandate* setting forth the facts and grounds upon which this Application and Motion are based.

DATED this 7<sup>th</sup> day of October, 2010.

RINGERT LAW CHARTERED

By:  for:

Daniel V. Steenson

Attorneys for Petitioner/Plaintiff