

Docket No. 37308-2010

IN THE SUPREME COURT OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHT
NOS. 36-04013A, 36-04013B, AND 36-07148 (Clear Springs Delivery Call)

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHT
NOS. 36-02356A, 36-07210, AND 36-07427 (Blue Lakes Delivery Call)

CLEAR SPRINGS FOODS, INC.,
Petitioner/Respondent/Cross-Appellant,

v.

BLUE LAKES TROUT FARM, INC.,
Cross-Petitioner/Respondent/Cross-Appellant,

v.

IDAHO GROUND WATER APPROPRIATORS, INC., NORTH SNAKE GROUND
WATER DISTRICT, and MAGIC VALLEY GROUND WATER DISTRICT,
Cross-Petitioners/Appellants/Cross-Respondents,

v.

GARY SPACKMAN., in his capacity as Director of the Idaho Department of Water Resources;
and the IDAHO DEPARTMENT OF WATER RESOURCES,
Respondents/Respondents on Appeal/Cross-Respondents,

v.

IDAHO DAIRYMEN'S ASSOCIATION, INC., and RANGEN, INC.,
Intervenors/Respondents/Cross-Respondents.

GROUNDWATER USERS' PETITION FOR REHEARING

On Appeal from the District Court of the Fifth Judicial District
of the State of Idaho, in and for the County of Gooding.

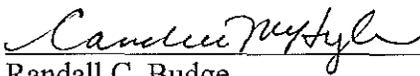
Honorable John M. Melanson, District Judge, Presiding.

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Idaho Groundwater Appropriator's, Inc., North Snake Ground Water District, and Magic Valley Ground Water District respectfully petition the Court pursuant to Idaho Appellate Rule 42 for rehearing of its *Opinion* entered in this case on March 17, 2011. The Groundwater Users ask the Court to reconsider certain interpretations of the Ground Water Act, its conclusion that there is substantial evidence in the record to support the Director's finding of material injury, its conclusion that the futile call doctrine was not raised before the district court, and such other issues as may be identified in the supporting brief to be filed by the Groundwater Users within fourteen days hereof pursuant to Idaho Appellate Rule 42.

RESPECTFULLY SUBMITTED this 7th day of April, 2011.

RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED



Randall C. Budge
Candice M. McHugh
Thomas J. Budge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of April, 2011, the above document was served upon the following persons in the manner(s) indicated:

Document Served: Groundwater Users' Petition for Rehearing

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