

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

NOTICE OF MITIGATION PLAN SUBMITTAL )	<b>CM-MP-2009-005</b>
BY SOUTHWEST AND GOOSE CREEK )	
IRRIGATION DISTRICTS IN RESPONSE TO )	
SNAKE RIVER FARM WATER DELIVERY )	ORDER APPROVING
CALL )	MITIGATION PLAN IN LIEU
)	OF CURTAILMENT
(Water Right Nos. 36-04013A, 36-04013B, and )	
36-07148) )	
_____ )	

On October 20, 2009, Southwest Irrigation District (“Southwest”) and Goose Creek Irrigation District (“Goose Creek”) filed a CM Rule 43 mitigation plan to address the delivery call by Snake River Farm (“Snake River Farm” or “Clear Springs”) that is the subject of this contested case. Southwest and Goose Creek will be jointly referred to hereafter as Southwest/Goose Creek. Southwest/Goose Creek’s October 20, 2009 mitigation plan also contained a mitigation plan to address another delivery call filed by Blue Lakes Trout, Inc. This order only addresses the portion of the mitigation plan filed to address the Snake River Farm delivery call.

On April 26, 2010, Southwest/Goose Creek and Clear Springs filed a *Stipulation and Joint Motion for Approval of Mitigation Plan*. In the April 2010 stipulation, Southwest/Goose Creek and Clear Springs agreed as follows:

. . . SWID [“Southwest/Goose Creek] and Clear Springs seek to stay this proceeding on the mitigation plan for 2010. . . . Clear Springs would accept SWID’s implementation of its proposed mitigation plan for 2010 to allow the parties additional time to review the plan in greater detail and determine whether

or not a permanent solution could be agreed upon without the need for a hearing on the plan. SWID agree to implement the actions identified in the plan . . .

Clear Springs' stipulation to the SWID mitigation plan for 2010 does not constitute a waiver of any position Clear Springs has taken or may take in the future that the Director has failed and is failing to acknowledge the full extent of injury to Clear springs' water rights, and that the Director has failed or is failing to administer junior ground water diversions that cause injury to Clear Springs' water rights as required by Idaho law.

In the Request for Relief portion of the motion, Southwest/Goose Creek and Clear Springs request the following:

SWID and Clear Springs hereby stipulate to implementation of the mitigation plan for 2010 in lieu of curtailment. SWID and Clear Springs further move the Director to stay proceedings on the mitigation plan until further notified by the parties.

The interim Director accepts the provisions of the stipulation between the parties.

### **ORDER**

IT IS HEREBY ORDERED that Southwest Irrigation District and Goose Creek Irrigation District shall implement the provisions of their October 20, 2009 mitigation plan during 2010 in lieu of curtailment.

IT IS FURTHER ORDERED that failure to implement the full plan as described in the October 20, 2009 mitigation plan may result in curtailment of water rights within the district boundaries of Southwest Irrigation District and Goose Creek Irrigation District.

Dated this 7<sup>th</sup> day of May, 2010.

  
\_\_\_\_\_  
GARY SPACKMAN  
Interim Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 10<sup>th</sup> day of May, 2010, the above and foregoing, was served by the method indicated below, and addressed to the following:

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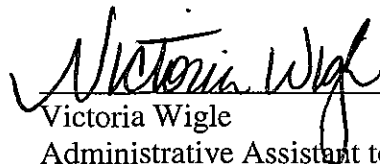
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