

RECEIVED

MAY 09 2007

DEPARTMENT OF WATER RESOURCES

DISTRICT COURT  
FIFTH JUDICIAL DIST  
JEROME COUNTY, IDAHO

Randall C. Budge (ISB #1949)  
Candice M. McHugh (ISB #5908)  
RACINE OLSON NYE BUDGE &  
BAILEY, CHARTERED  
201 E. Center Street  
P.O. Box 1391  
Pocatello, ID 83201  
Telephone: (208) 232-6101  
Facsimile: (208) 232-6109

2007 MAY 8 PM 12 34

Michelle Emerson  
BY (S) Brandebow  
DEPUTY CLERK

Attorneys for North Snake Ground Water District  
N:\RCE 222 - IGWA\Throughed Springs Delivery Call-Mitigation Plan (2/1/07)\Pleadings\TEMPORARY RESTRAINING ORDER.vpd

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEROME

IDAHO GROUND WATER APPROPRIATORS, )  
INC., MAGIC VALLEY GROUND WATER )  
DISTRICT and NORTH SNAKE GROUND )  
WATER DISTRICT, )

Plaintiff, )

vs. )

THE IDAHO DEPARTMENT OF WATER )  
RESOURCES and DAVID R. TUTHILL, JR., )  
IN HIS OFFICIAL CAPACITY AS )  
DIRECTOR OF THE IDAHO DEPARTMENT )  
OF WATER RESOURCES. )

Defendants. )

Case No. CV-2007-0000526  
AMENDED  
TEMPORARY RESTRAINING  
ORDER  
Rule 6(b), I.R.C.P.

TO: DEFENDANTS, IDAHO DEPARTMENT OF WATER RESOURCES and DAVID R. TUTHILL, JR., DIRECTOR, AND THEIR ATTORNEYS, DEPUTY ATTORNEY GENERALS CLIVE J. STRONG AND PHILLIP J. RASSIER.

Based upon the Application of Plaintiffs supported by the Verified Complaint and Affidavits filed herein, the Court finds that immediate and irreparable injury, loss, or damage will result to the

Plaintiffs before the Defendants' attorney can be heard in opposition because the Defendants have threatened to issue a Curtailment Order on May 14, 2007, before any hearing can be conducted by the Court on Plaintiff's Application for a Preliminary Injunction, and Plaintiff's attorney certifies to the Court in writing the efforts made to give notice and the reasons the Plaintiff claims that notice should not be required.

IT IS HEREBY ORDERED that the Defendants be and are hereby temporarily restrained and enjoined from issuing a Curtailment Order or curtailing Plaintiffs from pumping ground water in accordance with their respective water rights to prevent immediate and irreparable harm or injury and to maintain the status quo pending a hearing on Plaintiffs' Application for a Preliminary Injunction.

This Temporary Restraining Order granted without notice is issued May 8, 2007, at the hour of 9:00 a.m. shall be filed forthwith in the Clerk's Office and entered of record and served upon the Defendants and their attorneys; and shall expire by its terms on the date of the Show Cause Hearing on Plaintiff's Application for Preliminary Injunction, unless extended by the Court.

DATED this 8<sup>th</sup> day of May, 2007. 12:32 pm

(s) John K Butler  
JOHN K. BUTLER  
DISTRICT COURT JUDGE