

Randall C. Budge (ISB #1949)
Candice M. McHugh (ISB #5908)
Thomas J. Budge (ISB #7465)
RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED
201 E. Center Street
Pocatello, ID 83201
(208) 232-6101 - Telephone
(208) 232-6109 - Facsimile

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

CLEAR SPRINGS FOODS, INC.,

Petitioner,

vs.

BLUE LAKES TROUT FARM, INC.,

Cross-Petitioner,

vs.

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

Cross-Petitioners,

vs.

IDAHO DAIRYMEN'S ASSOCIATION, INC.,

Cross-Petitioner,

vs.

DAVID K. TUTHILL, JR., in his capacity as Director
of the Idaho Department of Water Resources; and the
IDAHO DEPARTMENT OF WATER RESOURCES,

Respondents.

Case No. CV-2008-444

Supreme Court Docket No. 37308-
2010

**GROUND WATER USERS'
MOTION TO AUGMENT
DISTRICT COURT
CLERK'S RECORD**

IN THE MATTER OF DISTRIBUTION OF WATER
TO WATER RIGHT NOS. 36-02356A, 36-07210,
AND 36-07427

(Blue Lakes Delivery Call)

IN THE MATTER OF DISTRIBUTION OF WATER
TO WATER RIGHT NOS. 36-04013A, 36-04013B,
AND 36-07148

(Clear Springs Delivery Call)

Idaho Ground Water Appropriators, Inc., North Snake Ground Water District, and Magic Valley Ground Water District, acting for and on behalf of their members (collectively the Ground Water Users), through counsel, and pursuant to Idaho Appellate Rule 29 respectfully request that the District Court augment the Clerk's Record in the above-captioned case to include the following documents.

1. *Motion to Augment and Correct the Agency Record* filed by the Ground Water Users on January 14, 2009 with appendices.
2. *Order Granting Motion to Augment and Correct the Agency Record* issued by Judge Melanson on February 4, 2009.

GROUNDS FOR MOTION

On February 18, 2010, Deputy Clerk for Gooding County District Court sent a copy of the Clerk's Record in the above captioned matter. Upon review of that record, the Ground Water Users discovered the above-listed omissions in the District Court Clerk's Record. These documents were properly made part of the District Court record and appear on the Court's

Register of Actions. Without these documents, the Supreme Court will be unable to complete a proper review of the issues on appeal.

Therefore, the Ground Water Users respectfully request that the District Court Clerk's Record be augmented to include the documents and appendices listed above.

DATED this 9th day of March, 2010.


RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED


CANDICE M. MCHUGH

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of March, 2010, the above and foregoing document was served in the following manner:

Clerk, Gooding County District Court 624 Main St. PO Box 417 Gooding, ID 83330	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input checked="" type="checkbox"/> Facsimile (208) 934-5085 <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery
Daniel V. Steenson Charles L. Honsinger Ringert Clark P.O. Box 2773 Boise, Idaho 83701-2773 dvs@ringertclark.com clh@ringertclark.com	<input checked="" type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail
Phillip J. Rassier Chris Bromley Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 phil.rassier@idwr.idaho.gov chris.bromley@idwr.idaho.gov	<input checked="" type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail
Jeff Fereday Mike Creamer Givens, Pursley P.O. Box 2720 Boise, Idaho 83701-2720 jcf@givenspursley.com mcc@givenspursley.com	<input checked="" type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail
J. Justin May May, Sudweeks & Browning P.O. Box 6091 Boise, Idaho 83707 jmay@may-law.com	<input checked="" type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail
John Simpson Travis L. Thompson Barker Rosholt P.O. Box 2139 Boise, Idaho 83701-2139 jks@idahowaters.com tlt@idahowaters.com	<input checked="" type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail


 CANDICE M. MCHUGH