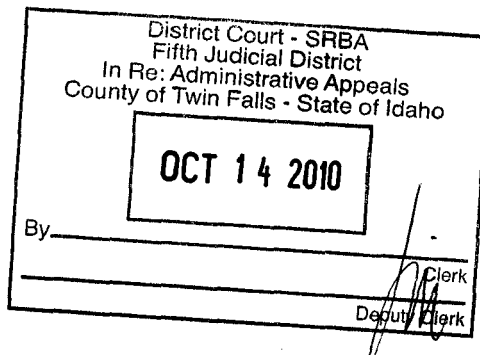


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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IDAHO GROUND WATER
APPROPRIATORS, INC.,

Petitioners,

vs.

GARY SPACKMAN, in his capacity as Interim
Director of the Idaho Department of Water
Resources, and THE IDAHO DEPARTMENT
OF WATER RESOURCES

Respondents,

IN THE MATTER OF DISTRIBUTION OF
WATER TO VARIOUS WATER RIGHTS
HELD BY OR FOR THE BENEFIT OF A&B
IRRIGATION DISTRICT, AMERICAN
FALLS RESERVOIR DISTRICT #2, BURLEY
IRRIGATION DISTRICT, MILNER
IRRIGATION DISTRICT, MINIDOKA
IRRIGATION DISTRICT, NORTH SIDE
CANAL COMPANY AND TWIN FALLS
CANAL COMPANY

Case No.: CV-2010-382 (consolidated with
Gooding County cases CV-2010-383, CV-
2010-384, CV-2010-387, CV-2010-388 and
Twin Falls County Case CV-2010-3403)

Case No.: CV-2010-3075 – Twin Falls
County case

**GROUND WATER USERS' RESPONSE IN
OPPOSITION TO SURFACE WATER
COALITION'S JOINT MOTION FOR
CONSOLIDATION**

The Petitioner the Idaho Ground Water Appropriators, ("IGWA" or "Ground Water
Users") for and on behalf of its members, by and through its undersigned counsel, and hereby

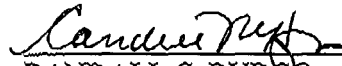
responds to the *Surface Water Coalition's Joint Motion for Consolidation and for Expedited Hearing* ("Motion"). IGWA concurs with the *IDWR Response In Opposition to SWC's Joint Motion for Consolidation* ("IDWR's Response") filed on October 12, 2010 and requests that the Court deny the *SWC's Joint Motion for Consolidation* for the reasons set forth by the Idaho Department of Water Resources in IDWR's Response.

In addition to the reasons set forth in IDWR's Response, consolidation would delay the consideration of the issues in CV- 2010-3075 which approves IGWA's mitigation plan and such delay compromises the certainty as to the permanency of that mitigation plan. The use of the source of water and the method of mitigation and delivery components contained in the mitigation plan are critical to IGWA's ongoing efforts to work toward mitigation solutions.

Based on the foregoing, IGWA requests that the *SWC's Joint Motion for Consolidation* be denied.

DATED this 14th day of October, 2010.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED



RANDALL C. BUDGE
CANDICE M. MCHUGH
THOMAS J. BUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of October, 2010, the above and foregoing document was served in the following manner.

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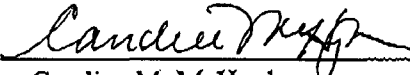
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