

Randall C. Budge (ISB # 1949)
Candice M. McHugh (ISB # 5908)
RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED
PO Box 1391
Pocatello, ID 83204-1391
Telephone: (208) 232-6101
Facsimile: (208) 232-6109

ATTORNEYS FOR IDAHO GROUND WATER
APPROPRIATORS

BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

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

Docket No.: CM-DC-2010-001

**NOTICE OF WATER SECURED
AND RENEWED REQUEST FOR
STAY**

Idaho Ground Water Appropriators, Inc., acting for and on behalf of its members (the "Ground Water Users") hereby notify the Director of the amount of water it has secured to avoid curtailment in this matter, as required by the Director's *Order Regarding April 2010 Forecast Supply ("Methodology Steps 3 and 4")* ("As-Applied Order") dated April 29, 2010. The As-Applied Order gave the Ground Water Users until May 13, 2010, to secure 84,300 acre-feet of water to eliminate material injury to Twin Falls Canal Company and American Falls Reservoir District No. 2 and thereby avoid curtailment. (Id. at 4.)

The total amount of water that the Ground Water Users must secure for mitigation is approximately 109,300 acre-feet in Water Districts 110, 120, 130 and 140. As of the afternoon of May 13, 2010, the Ground Water Users have secured a total of 68,000 acre-feet of water. The Ground Water Users have verbal commitments for an additional 6,000 acre-feet of water but are awaiting written confirmation. That brings the total to 74,000 acre-feet of water for mitigation.

The Ground Water Users continue to labor vigorously to secure additional water. They have filed an application with Water District 01 to lease 50,000 acre-feet, but they will not know how much of that water will be available until after Water District 01 finalizes the reservoir storage allocation (the "day of allocation"). In addition, the Ground Water Users have sought to lease approximately 20,000 acre-feet of water from other storage contract holders who have indicated a willingness to lease additional water after the day of allocation. Thus, there is an additional 70,000 acre-feet available for lease. The Ground Water Users need to secure approximately fifty-two percent (52%) of that amount (35,300 acre-feet) to avoid curtailment under all outstanding delivery calls.

There is good reason to believe that the upper Snake River Basin reservoir system will fill completely, and that up to 70,000 additional acre-feet will be made available to the Ground Water Users after the day of allocation, enabling the Ground Water Users to secure the additional 36,300 acre-feet required to avoid curtailment under the outstanding delivery calls.

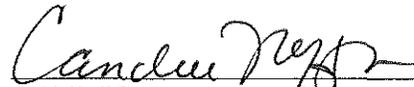
Accordingly, the Ground Water Users renew their request for a stay of curtailment contemplated under the As-Applied Order to allow them a full and fair opportunity to obtain additional water after the date of allocation and to conclude a hearing on their pending mitigation plan.

This Notice is supported by the *Second Affidavit of Timothy P. Deeg* filed herewith. In further support of this renewed request for stay, the Ground Water Users cite the Director to their

original *Motion for Stay and Motion for Extension of Time* dated May 6, 2010, and the affidavits of Timothy P. Deeg and Charles M. Brendecke in support thereof.

This information should satisfy the Director that the Ground Water Users have the ability to secure sufficient water to offset material injury to members of the Surface Water Coalition. The As-Applied Order should therefore be modified.

Dated this 13th day of May, 2010.

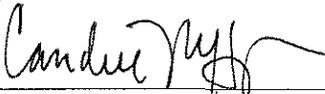

CANDICE M. McHUGH

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of May, 2010, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated:

<p>Gary Spackman, Interim Director Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 Fax: 208-287-6700 gary.spackman@idwr.idaho.gov garrick.baxter@idwr.idaho.gov chris.bromley@idwr.idaho.gov</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>C. Tom Arkoosh Arkoosh Law Offices, Chtd. 301 Main Street; P.O. Box 32 Gooding, ID 83330 tarkoosh@capitolawgroup.net</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>W. Kent Fletcher Fletcher Law Office P.O. Box 248 Burley, Idaho 83318-0248 wkf@pmt.org</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>John A. Rosholt John K. Simpson Travis L. Thompson Barker, Rosholt & Simpson 113 Main Avenue W., Ste 303 Twin Falls, ID 83301-6167 jar@idahowaters.com jks@idahowaters.com tlt@idahowaters.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>
<p>Kathleen Marion Carr U.S. Department of the Interior 960 Broadway, Ste 400 Boise, Idaho 83706 kathleenmarion.carr@sol.joi.gov</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email</p>

<p>David W. Gehlert Natural Resources Section Environment and Natural Resources Division U.S. Dept of Justice 1961 Stout St., 8th Floor Denver, CO 80294 david.gehlert@usdoj.gov</p>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email
<p>Matt J. Howard U.S. Bureau of Reclamation Pacific Northwest Region 1150 N. Curtis Road Boise, ID 83706-1234 mhoward@pn.usbr.gov</p>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email
<p>Sarah H. Klahn Mitra Pemberton White & Jankowski 511 16th Street, Ste 500 Denver, CO 80202 sarahk@white-jankowski.com</p>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email
<p>Michael C. Creamer Jeffrey C. Fereday Givens Pursley P.O. Box 2720 Boise, Idaho 83701-2720 mcc@givenspursley.com jcf@givenspursley.com</p>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email
<p>Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello, Idaho 83205 dtranmer@pocatello.us</p>	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Email


Candice M. McHugh