

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

IN THE MATTER OF THE NORTH SNAKE)	CM-MP-2009-001
AND MAGIC VALLEY GROUND WATER)	ORDER DENYING PETITION
DISTRICTS' 2009 JOINT MITIGATION)	FOR RECONSIDERATION OF
PLAN TO COMPENSATE BLUE LAKES)	ORDER APPROVING
TROUT FARM, INC.)	MITIGATION PLANS
<hr/>		(BLUE LAKES DELIVERY CALL)

On May 21, 2010, North Snake Ground Water District and Magic Valley Ground Water District ("the Ground Water Districts") filed a Petition for Reconsideration Regarding the Final Order approving Mitigation Plans (Blue Lakes Delivery Call) issued by the interim director on May 7, 2010. The Ground Water Districts asserted generally that the interim director should: (1) compute the precise mitigation required for each of the junior water right holders filing mitigation plans; (2) issue an order expressly limiting the mitigation to the computed amount; and (3) recognize any excess water provided or reach gains simulated as applying to past depletions or granting credit for future mitigation obligations.

When the Director approves a mitigation plan under the Conjunctive Management Rules, he is only required to determine that the proposed mitigation plan can adequately provide a water supply to the injured senior users to compensate for injurious depletions caused by diversion of water by junior ground water users. The mitigation plan could be filed to address a specific delivery call or, more generally, a potential future delivery call.

In this case, the interim director approved the mitigation plan offered by the Ground Water Districts as sufficient to satisfy the Ground Water Districts' mitigation obligations to the Blue Lakes Trout Farm delivery call. An attachment to the Order Approving Mitigation Plans established the upper end of Ground Water Districts' obligations, although the upper extent may have included private water users not within the Ground Water Districts.

The interim director approve the Ground Water Districts' mitigation plan, recognizing the adequacy of the mitigation plan. The additional subjects requested for submittal are extraneous to mitigation plan approval and should not become a component of the mitigation plan approval.

ORDER

IT IS HEREBY ORDERED that the Ground Water Districts' petition for reconsideration is **Denied**.

Dated this 11th day of June, 2010.



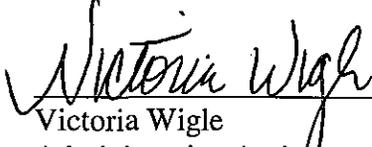
Gary Spackman
Interim Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of June, 2010, the above and foregoing document was served to the following by the method indicated:

Randall C. Budge RACINE OLSON P.O. Box 1391 Pocatello, ID 83204-1391 rcb@racinelaw.net	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
Candice M. McHugh RACINE OLSON 101 S Capitol Suite 208 Boise, ID 83702 cmm@racinelaw.net	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
Daniel V. Steenson Charles L. Honsinger S. Bryce Farris RINGERT LAW CHARTERED P.O. Box 2773 Boise, ID 83701-2773 dvs@ringertlaw.com clh@ringertlaw.com sbf@ringertlaw.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
John K. Simpson BARKER ROSHOLT & SIMPSON, LLP 1010 West Jefferson, Ste. 102 PO Box 2139 Boise, ID 83701-2139 jks@idahowaters.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
Sarah A. Klahn WHITE & JANKOWSKI 511 Sixteenth Street, Suite 500 Denver, CO 80202 sarahk@white-jankowski.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
Robert A. Maynard Erika E. Malmen PERKINS COIE, LLP 1111 West Jefferson Street, Suite 500 Boise, ID 83702-5391 rmaynard@perkinscoie.com emalmen@perkinscoie.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email

<p>Travis L. Thompson Paul L. Arrington Sarah W. Higer BARKER ROSHOLT & SIMPSON, LLP 113 Main Avenue West, Suite 303 PO Box 485 Twin Falls, ID 83303-0485 flt@idahowaters.com pla@idahowaters.com swh@idahowaters.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>William Parsons PARSONS SMITH & STONE 137 West 13th Street Burley, ID 83318 wparsons@pmt.org</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>


Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources