

COPY

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 North Snake and Magic Valley  
Ground Water Districts*

John K. Simpson, ISB #4242  
Travis L. Thompson, ISB #6168  
BARKER ROSHOLT & SIMPSON, LLP  
113 Main Avenue West, Suite 303  
P.O. Box 485  
Twin Falls, Idaho 83303-0485  
Telephone (208) 733-0700  
Facsimile (208) 735-2444  
*Attorneys for A&B Irrigation District*

William Parsons  
137 W 13<sup>th</sup> St.  
PO Box 910  
Burley, ID 83318  
Telephone (208) 878-8382  
*Attorney for SWID and GCID*

A. Dean Tranmer, ISB # 2793  
City of Pocatello  
P. O. Box 4169  
Pocatello, ID 83201  
(208) 234-6149  
(208) 234-6297 (Fax)

Sarah A. Klahn, ISB #7928  
Mitra Pemberton  
White & Jankowski, LLP  
511 Sixteenth Street, Suite 500  
Denver, Colorado 80202  
(303) 595-9441  
(303) 825-5632 (Fax)  
*Attorneys for City of Pocatello*

Robert A. Maynard, ISB #5537  
Erika Malmen, ISB #6185  
PERKINS COIE, LLP  
1111 W. Jefferson St., Ste. 500  
Boise, ID 83702-5391  
Telephone (208) 343-3434  
Facsimile (208) 343-3232  
*Attorneys for Unit A Association*

RECEIVED  
APR 06 2010  
DEPARTMENT OF  
WATER RESOURCES

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

IN THE MATTER OF NORTH SNAKE  
AND MAGIC VALLEY GROUND WATER  
DISTRICTS' 2009 JOINT MITIGATION  
PLAN TO COMPENSATE BLUE LAKES  
TROUT FARM, INC.

MATTER OF THE A&B IRRIGATION  
DISTRICT'S 2009 MITIGATION PLAN TO  
COMPENSATE BLUE LAKES TROUT  
FARM, INC.

IN THE MATTER OF SOUTH WEST  
IRRIGATION DISTRICT AND GOOSE

Docket No. CM-MP-2009-001

CM-MP-2009-002

CM-MP-2009-003

**PARTIES' JOINT MOTION TO  
MODIFY NOTICE OF HEARING**

CREEK IRRIGATION DISTRICT  
MITIGATION PLAN

(Water Right Nos. 36-02356A, 36-07210, and  
36-07427

North Snake Ground Water District (NSGWD) and Magic Valley Ground Water District (MVGWD) (collectively "Ground Water Districts"), the City of Pocatello, A&B Irrigation District, Unit A Association, Southwest Irrigation District and Goose Creek Irrigation District, through the undersigned counsel, hereby file this *Joint Motion to Modify Notice of Hearing*.

On February 17, 2010, the Director issued a *Notice of Hearing* setting a hearing on *A&B Irrigation District's Rule 43 Mitigation Plan*. However, the *Notice of Hearing* also included the docket numbers for the *Ground Water Users' Joint Mitigation Plan* (Docket No. CM-MP-2009-01) ("GWU's Mitigation Plan") and *Southwest and Goose Creek Irrigation District Mitigation Plan 2010* (Docket No. CM-MP-2009-03) ("SWID Mitigation Plan"). The hearing set to commence April 7, 2010 only pertains to *A&B Irrigation District's Rule 43 Mitigation Plan* (Docket No. CM-MP-2009-02).

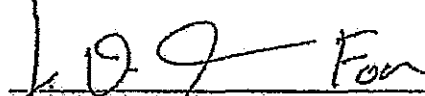
On February 9, 2010, Blue Lakes Trout Farm, Inc. filed a *Notice of Partial Withdrawal of Protest to Ground Water Users' Joint Mitigation Plan*; on the record at the February 10, 2010, status conference, counsel for Clear Springs Foods, Inc., the other Protestant to the GWU's Mitigation Plans, indicated that it did not intend to pursue its protest in light of the Director's *Order Limiting Scope of Hearing* as its issues were not set for hearing or consideration at this time. As such there is no need for a hearing on the *Ground Water Users' Joint Mitigation Plan* and an order approving the GWU's Mitigation Plan that proposes the direct delivery of water to Blue Lakes from Alpheus Creek should be issued.

Blue Lakes did not protest SWID's Mitigation Plan and Clear Springs Foods, Inc., the Protestant to that plan does not intend to go forward with a hearing at this time. Clear Springs anticipates filing a stipulation with SWID and/or a withdrawal of its protest in the near future.


Counsel for Blue Lakes has indicated that Blue Lakes does not object to this joint motion but intends to file a separate statement.


Based on the foregoing, the Parties jointly request that the *Notice of Hearing* be modified to only pertain to *A&B Irrigation District's Rule 43 Mitigation Plan* (Docket No. CM-MP-2009-02).

Dated this 24 day of April, 2010

  
\_\_\_\_\_  
RANDALL C. BUDGE  
CANDICE M. MCHUGH  
*Attorneys for Ground Water Districts*

\_\_\_\_\_  
JOHN SIMPSON  
*Attorneys for Clear Springs Foods, Inc.*

  
\_\_\_\_\_  
MITRA PEMBERTON  
*Attorneys for City of Pocatello*

  
\_\_\_\_\_  
DEAN TRAMMER  
*Attorneys for City of Pocatello*

  
\_\_\_\_\_  
WILLIAMS PARSONS  
*Attorneys for Southwest and Goose Creek*

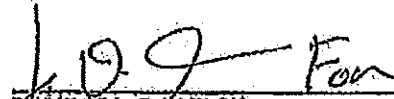
  
\_\_\_\_\_  
BRIKA MALMEN  
*Attorneys for Unit A Association*

Blue Lakes did not protest SWID's Mitigation Plan and Clear Springs Foods, Inc., the Protestant to that plan does not intend to go forward with a hearing at this time. Clear Springs anticipates filing a stipulation with SWID and/or a withdrawal of its protest in the near future.

Counsel for Blue Lakes has indicated that Blue Lakes does not object to this joint motion but intends to file a separate statement.

Based on the foregoing, the Parties jointly request that the *Notice of Hearing* be modified to only pertain to *A&B Irrigation District's Rule 43 Mitigation Plan* (Docket No. CM-MP-2009-02).

Dated this 21<sup>st</sup> day of April, 2010

  
RANDALL C. BUDGE  
CANDICE M. MCHUGH  
Attorneys for Ground Water Districts

  
JOHN SIMPSON  
Attorneys for Clear Springs Foods, Inc.

  
MIRA PEMBERTON  
Attorneys for City of Pocatello

  
DEAN TRAXMER  
Attorneys for City of Pocatello

  
WILLIAMS PARSONS  
Attorneys for Southwest and Goose Creek

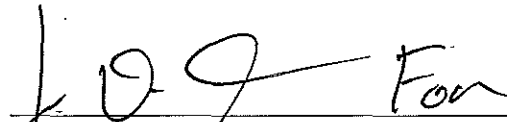
  
ERIKA MALMEN  
Attorneys for Unit A Association

Blue Lakes did not protest SWID's Mitigation Plan and Clear Springs Foods, Inc., the Protestant to that plan does not intend to go forward with a hearing at this time. Clear Springs anticipates filing a stipulation with SWID and/or a withdrawal of its protest in the near future.

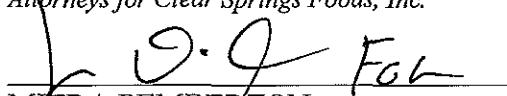
Counsel for Blue Lakes has indicated that Blue Lakes does not object to this joint motion but intends to file a separate statement.

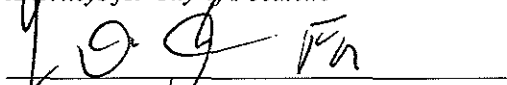
Based on the foregoing, the Parties jointly request that the *Notice of Hearing* be modified to only pertain to *A&B Irrigation District's Rule 43 Mitigation Plan* (Docket No. CM-MP-2009-02).

Dated this 20 day of April, 2010

  
\_\_\_\_\_  
RANDALL C. BUDGE  
CANDICE M. MCHUGH  
*Attorneys for Ground Water Districts*

\_\_\_\_\_  
JOHN SIMPSON  
*Attorneys for Clear Springs Foods, Inc.*

  
\_\_\_\_\_  
MITRA PEMBERTON  
*Attorneys for City of Pocatello*

  
\_\_\_\_\_  
DEAN TRANMER  
*Attorneys for City of Pocatello*

\_\_\_\_\_  
WILLIAMS PARSONS  
*Attorneys for Southwest and Goose Creek*

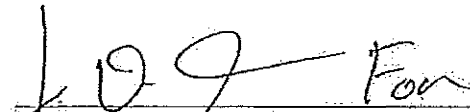
\_\_\_\_\_  
ERIKA MALMEN  
*Attorneys for Unit A Association*

Blue Lakes did not protest SWID's Mitigation Plan and Clear Springs Foods, Inc., the Protestant to that plan does not intend to go forward with a hearing at this time. Clear Springs anticipates filing a stipulation with SWID and/or a withdrawal of its protest in the near future.

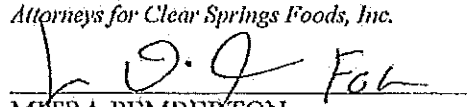
Counsel for Blue Lakes has indicated that Blue Lakes does not object to this joint motion but intends to file a separate statement.

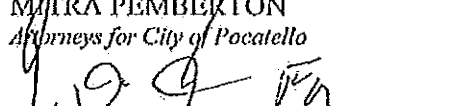
Based on the foregoing, the Parties jointly request that the *Notice of Hearing* be modified to only pertain to *A&B Irrigation District's Rule 43 Mitigation Plan* (Docket No. CM-MP-2009-02).

Dated this 21<sup>st</sup> day of April, 2010

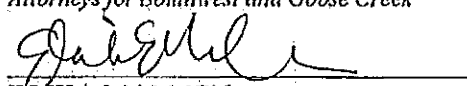
  
RANDALL C. BUDGE  
CANDICE M. MCHUGH  
*Attorneys for Ground Water Districts*

JOHN SIMPSON  
*Attorneys for Clear Springs Foods, Inc.*

  
MITRA PEMBERTON  
*Attorneys for City of Pocatello*

  
DEAN TRANMER  
*Attorneys for City of Pocatello*

WILLIAMS PARSONS  
*Attorneys for Southwest and Goose Creek*

  
ERIKA MALMEN  
*Attorneys for Unit A Association*

**CERTIFICATE OF MAILING**

I hereby certify that on this 6<sup>th</sup> day of April, 2010, the above and foregoing was sent to the following by U.S. Mail, proper postage prepaid and by e-mail for those with listed e-mail addresses:

Gary Spackman, Interim Director	<input type="checkbox"/> U.S. Mail, postage prepaid
Idaho Department of Water Resources	<input type="checkbox"/> Facsimile
322 E. Front Street	<input checked="" type="checkbox"/> E-Mail
P.O. Box 83720	<input checked="" type="checkbox"/> Hand Delivery
Boise, Idaho 83720-0098	
victoria.wigle@idwr.idaho.gov	
garrick.baxter@idwr.idaho.gov	
chris.bromley@idwr.idaho.gov	

John K. Simpson	<input type="checkbox"/> U.S. Mail, postage prepaid
Travis L. Thompson	<input type="checkbox"/> Facsimile
Paul L. Arrington	<input checked="" type="checkbox"/> E-Mail
BARKER ROSHOLT & SIMPSON LLP	<input type="checkbox"/> Hand Delivery
1010 W. Jefferson, Suite 102	
P.O. Box 2139	
Boise, Idaho 83701	
jks@idahowaters.com	
tlt@idahowaters.com	
pla@idahowaters.com	

Daniel V. Steenson	<input type="checkbox"/> U.S. Mail, postage prepaid
Charles L. Honsinger	<input type="checkbox"/> Facsimile
RINGERT CLARK	<input checked="" type="checkbox"/> E-Mail
P.O. Box 2773	<input type="checkbox"/> Hand Delivery
Boise, Idaho 83701-2773	
dan@ringertlaw.com	<i>courtesy copy</i>
clh@ringertlas.com	

Robert A. Maynard	<input type="checkbox"/> U.S. Mail, postage prepaid
Erica Malmen	<input type="checkbox"/> Facsimile
PERKINS COIE, LLP	<input checked="" type="checkbox"/> E-Mail
1111 W. Jefferson St., Ste. 500	<input type="checkbox"/> Hand Delivery
Boise, ID 83702-5391	
rmaynard@perkinscoie.com	
emalmen@perkinscoie.com	

William Parsons  
137 W 13<sup>th</sup> St.  
PO Box 910  
Burley, ID 83318  
wparsons@pmt.org

U.S. Mail, postage prepaid  
 Facsimile  
 E-Mail  
 Hand Delivery

Sarah A. Klahn  
White & Jankowski, LLP  
511 Sixteenth Street, Suite 500  
Denver, Colorado 80202  
(303) 595-9441  
(303) 825-5632 (Fax)  
sarahk@white-jankowski.com

U.S. Mail, postage prepaid  
 Facsimile  
 E-Mail  
 Hand Delivery

A. Dean Tranmer (ISB # 2793)  
City of Pocatello  
P. O. Box 4169  
Pocatello, ID 83201  
(208) 234-6149  
(208) 234-6297 (Fax)  
dtranmer@pocatello.us

U.S. Mail, postage prepaid  
 Facsimile  
 E-Mail  
 Hand Delivery

*Becky Hawey for:*  
CANDICE M. McHUGH