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Attorneys for North Snake and Magic Valley Ground Water Districts

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

IN THE MATTER OF THE MITIGATION
PLAN OF THE NORTH SNAKE AND MAGIC
VALLEY GROUND WATER DISTRICTS
IMPLEMENTED BY APPLICATIONS FOR
PERMIT NOS. 02-10405 AND 36-16645 AND
APPLICATION FOR TRANSFER NO. 74904
TO PROVIDE REPLACEMENT WATER FOR
CLEAR SPRINGS SNAKE RIVER FARM

(Water District Nos. 130 and 140)

**CANDICE M. McHUGH'S
AFFIDAVIT IN SUPPORT OF
GROUND WATER DISTRICTS'
MOTION TO EXTEND
DEADLINES AND
CONSOLIDATE HEARINGS**

I, CANDICE M. MCHUGH, being first duly sworn, do hereby depose and state under penalty of perjury that:

1. My name is CANDICE M. MCHUGH and I am counsel for the North Snake Ground Water District and Magic Valley Ground Water District in the above-captioned matter.
2. On or about October 30, 3008, Clear Springs served its response to the Ground Water Districts' ("GWD") Interrogatories and Request for Documents (See discovery responses attached of affidavit of Joshua D. Johnson filed in support of GWD's Motion to Compel.
3. In its response to GWD's request for documents, Clear Springs indicated it would make various documents available for inspection. *Id.*

4. On November 3, 2008, we made a request upon counsel for Clear Springs to inspect the documents Clear Springs agreed to produce (*See* November 3, 2008, e-mail attached hereto as Exhibit "A").

5. On Tuesday, November 11, 2008, Ray Eldridge (one of GWD's experts) and I inspected the documents Clear Springs agreed to produce and requested copies of certain documents (approximately 2,500 pages).

6. On Friday, November 14, 2008, at 6:03 p.m., I was advised by counsel for Clear Springs that we could pick-up the requested the documents (*See* November 3, 2008, e-mail attached hereto as Exhibit "A").

7. On Monday, November 17, 2008, this office obtained a disc containing the requested documents. However, the disc this office received did not have copies of the tabs contained on the documents when they were inspected making the 2500 pages of documents difficult to sort and use.

8. On Monday, November 17, 2008, I exchanged e-mails with counsel for Clear Springs and was eventually was able to obtain the documents in a usable manner (*See* exchange of November 17, 2008, e-mails attached hereto as Exhibit "B").

9. Prior to receiving the Directors September 25, 2008, Scheduling Order in this matter, Randall C. Budge and I were scheduled to appear before Hearing Officer Schroeder for a three week hearing in December 2008 in the A & B matter. Since receiving the September 25, 2008, Scheduling Order, the A & B hearing has been extended to over three weeks in December 2008 and into January of 2009.

DATED this ^{gr}18 day of November, 2008.

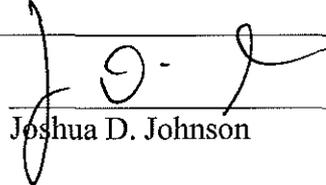
RACINE OLSON NYE BUDGE
& BAILEY, CHARTERED


CANDICE M. MCHUGH
Attorneys for Idaho Ground Water Appropriators

CERTIFICATE OF MAILING

I hereby certify that on this 18th day of November, 2008, 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:

David R. Tuthill, Director Idaho Department of Water Resources 322 E. Front Street P.O. Box 83720 Boise, Idaho 83720-0098 dave.tuthill@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Hand Delivery
John K. Simpson Travis L. Thompson Paul L. Arrington BARKER ROSHOLT & SIMPSON LLP 1010 W. Jefferson, Suite 102 P.O. Box 2139 Boise, Idaho 83701 jks@idahowaters.com tlt@idahowaters.com pla@idahowaters.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-Mail
Daniel V. Steenson Charles L. Honsinger S. Bryce Farris 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 checked="" type="checkbox"/> E-Mail
Tracy Harr, President Clear Clake Country Club 403 Clear Lake Lane Buhl, Idaho 83316	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> E-Mail
Stephen P. Kaatz, V.P. Clear Lake Homeowners Assoc. 223 Clear Lake Lane Buhl, Idaho 83316	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> E-Mail



 Joshua D. Johnson

Josh Johnson

From: Candice M. McHugh
Sent: Monday, November 03, 2008 2:20 PM
To: Travis Thompson; John Simpson
Cc: Josh Johnson; Randy Budge
Subject: Document inspection

For the documents you have agreed to let us see, can we arrange at time early next week – Monday or Tuesday to look at those?

Thanks

Candice M. McHugh
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101 S Capitol Blvd., Ste. 208
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(208) 395-0011
cmm@racinelaw.net

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EXHIBIT A

11/18/2008

Candice M. McHugh

From: John Simpson [jks@idahowaters.com]

Sent: Friday, November 14, 2008 6:03 PM

To: Candice M. McHugh

Subject: Snake River Farms

Candice,

The documents are ready for you to pick-up.

Thanks

John

11/18/2008

EXHIBIT B

Candice M. McHugh

From: John Simpson [jks@idahowaters.com]
Sent: Monday, November 17, 2008 9:39 AM
To: Candice M. McHugh
Subject: RE: Documents

I am having an index, i.e., #s 1-144 are flow records(the sub-file title), created. I will forward it to you.

From: Candice M. McHugh [mailto:cmm@racinelaw.net]
Sent: Monday, November 17, 2008 9:13 AM
To: John Simpson
Cc: Josh Johnson
Subject: Documents

John,

We received a disc with documents but I don't know how they were organized. I don't see the file tabs so I don't know which documents were in which files. Can you explain how they were scanned so we have a better understanding of what's there?

Candice M. McHugh
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Exhibit C

11/18/2008

Candice M. McHugh

From: John Simpson [jks@idahowaters.com]
Sent: Monday, November 17, 2008 2:56 PM
To: Candice M. McHugh
Subject: RE: SRF Index

Our disk does have bates numbers on each document in the lower right-hand corner. If yours does not please come over and pick-up our disk.

From: Candice M. McHugh [mailto:cmm@racinelaw.net]
Sent: Monday, November 17, 2008 2:15 PM
To: John Simpson
Subject: RE: SRF Index

Our documents do not have bates numbers – do you have a disc of those that do?

Candice M. McHugh
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cmm@racinelaw.net

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From: John Simpson [mailto:jks@idahowaters.com]
Sent: Monday, November 17, 2008 2:02 PM
To: Candice M. McHugh
Subject: SRF Index

Here is what we have in terms of an identifier of the files.

Candice M. McHugh

From: John Simpson [jks@idahowaters.com]
Sent: Monday, November 17, 2008 2:02 PM
To: Candice M. McHugh
Subject: SRF Index
Attachments: INDEX INFO PROVIDED TO IGWA 11 17 08.doc

Here is what we have in terms of an identifier of the files.