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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)

**NOTICE OF WITHDRAWAL OF
AMENDED MITIGATION PLAN**

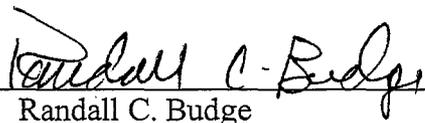
COMES NOW North Snake Ground Water District (NSGWD) and Magic Valley Ground Water District (MVGWD) (collectively "Ground Water Districts"), through counsel, and on behalf of their ground water district members and those ground water users who are non-member participants in the Ground Water Districts' mitigation activities, and hereby withdraw their Amended Mitigation Plan dated September 5, 2008, and their original Mitigation Plan dated June 13, 2008, and cancel all proceedings thereon. This withdrawal is made by reason of the Objections and Testimony filed herein by Clear Springs Food, Inc., objecting to all below-the-

rim deliveries of direct replacement water proposed by the Ground Water Districts in these Mitigation Plans.

It is the Ground Water Districts' intent to proceed with their Second Mitigation Plan for Monetary Compensation dated December 18, 2008.

DATED this 17th day of February, 2009.

RACINE OLSON NYE BUDGE &
BAILEY CHARTERED

By: 
Randall C. Budge
Attorneys for
North Snake and Magic Valley
Ground Water Districts

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of February, 2009, the above and foregoing document was served in the following manner:

DAVID R. TUTHILL, DIRECTOR IDAHO DEPARTMENT OF WATER RESOURCES P.O. BOX 83720 BOISE, IDAHO 83720-0098 <u>Dave.tuthill@idwr.idaho.gov</u>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail
MAGIC VALLEY WATER DISTRICT ORLO H. MAUGHAN, CHAIRMAN P.O. BOX 430 PAUL, IDAHO 83347 <u>mvgwd@hotmail.com</u>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail
NORTH SNAKE GROUND WATER DISTRICT LYNN CARLQUIST, CHAIRMAN 1092 SOUTH 2500 EAST HAZELTON, IDAHO 83335 <u>carlquil@yahoo.com</u>	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail
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<p>TRACY HARR, PRESIDENT CLEAR LAKE COUNTRY CLUB 403 CLEAR LAKE LANE BUHL, ID 83316</p>	<p><input checked="" type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-Mail</p>
<p>STEPHEN P. KAATZ, VICE PRESIDENT CLEAR LAKE HOMEOWNERS ASSOC 223 CLEAR LAKE LANE BUHL, ID 83316</p>	<p><input checked="" type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-Mail</p>
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Randall C. Brady