

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF )  
WATER TO WATER RIGHT NOS. 36-4013A, )  
36-4013B, and 36-7148 (Snake River Farm) )  
\_\_\_\_\_ )

Docket No. CM-MP-2009-004

**ORDER GRANTING  
REQUEST FOR STAY**

IN THE MATTER OF THE THIRD )  
MITIGATION PLAN (OVER-THE-RIM) OF )  
THE NORTH SNAKE AND MAGIC VALLEY )  
GROUND WATER DISTRICTS TO PROVIDE )  
REPLACEMENT WATER FOR CLEAR )  
SPRINGS SNAKE RIVER FARM )  
)  
(Water District Nos. 130 and 140) )  
\_\_\_\_\_ )

(Over-the-Rim Mitigation Plan)

On April 20, 2011, Clear Springs Food, Inc. (“Clear Springs”) and North Snake Ground Water District and Magic Valley Ground Water District (“Ground Water Districts”) filed with the Idaho Department of Water Resources (“Department”) their *Stipulation and Request for Stay* in the Over-the-Rim matter presently before the Department.

The Department, having reviewed the stipulation, agrees that a stay is appropriate so the parties can work to pursue long-term solutions to stabilize and sustain the aquifer, reduce demands and resolve conflicts.

**ORDER**

IT IS HEREBY ORDERED that the referenced Over-the-Rim matter is hereby stayed as requested in the April 20, 2011 *Stipulation and Request for Stay*. The stay applies to all further proceedings, including but not limited to, consideration of the *Petition for Reconsideration* filed

by Clear Springs. The stay suspends the parties' obligations under the *Final Order Concerning the Over-the-Rim Mitigation Plan* and the Department will not issue a separate "as-applied" order for the 2011 irrigation season.

After October 31, 2011, either party may elect to revoke the stay and proceed to implement their respective obligations under the *Final Order Concerning the Over-the-Rim Mitigation Plan* and request the Department continue the proceedings upon giving not less than ninety (90) days written notice to the other party and the Department.

Dated this 21<sup>st</sup> day of April, 2011.

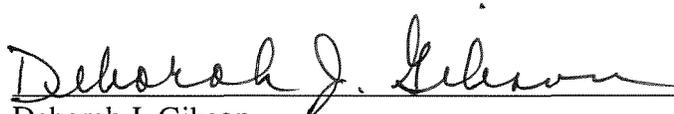
  
\_\_\_\_\_  
GARY SPACKMAN  
Director

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21<sup>st</sup> day of April, 2011, a true and correct copy of the document described below was served by placing a copy of the same in the United States mail, postage prepaid, and properly addressed to the following:

Document(s) Served: Order Granting Request for Stay

Randy C. Budge Candice M. McHugh RACINE OLSON NYE BUDGE BAILEY P.O. Box 1391 Pocatello, ID 83201 <a href="mailto:rcb@racinelaw.net">rcb@racinelaw.net</a> <a href="mailto:cmm@racinelaw.net">cmm@racinelaw.net</a>	<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
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Deborah J. Gibson  
Administrative Assistant