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Attorneys for Little Sky Farms

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE AMENDED
THIRD MITIGATION PLAN FILED BY
THE IDAHO GROUND WATER
APPROPRIATORS FOR THE
DISTRIBUTION OF WATER TO WATER
RIGHT NOS. 36-02551 & 36-07694 IN
THE NAME OF RANGEN, INC.

Docket No. CM-MP-2014-005

**LITTLE SKY FARMS' MOTION TO BE
EXCUSED FROM ATTENDING
HEARING**

COMES NOW Little Sky Farms, holder of Water Right No. 37-7480, by and through its counsel of record, C. Tom Arkoosh of Arkoosh Law Offices, and hereby respectfully moves the Director for his order excusing Little Sky Farms from attending the three-day hearing currently scheduled to commence on September 8, 2014, in the above entitled matter for the reason that the issue raised by Little Sky Farms is purely a legal issue, i.e. whether Conjunctive Management Rule 43.01.m requires a mitigation plan to address junior users who do not initially participate in the mitigation plan. The Rule provides:

Whether the mitigation plan provides for future participation on an equitable basis by ground water pumpers who divert water under junior-priority rights but who do not initially participate in such mitigation plan.

This is purely a legal issue and can be handled on briefing. There is no need for counsel for Little Sky Farms to attend a three-day factual hearing in which he will have no participation.

Respectfully submitted,

DATED this 20th day of August, 2014.



C. Tom Arkoosh
Attorneys for Little Sky Farms

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 20th day of August, 2014, the foregoing document was served on the following persons in the manner indicated:

ORIGINAL:

Idaho Department of Water Resources Southern Region 650 Addison Ave. W., Suite 500 Twin Falls, ID 83301	<u> X </u> _____ _____ _____ _____	U.S. Mail, postage prepaid Hand Delivery Overnight Courier Facsimile Email
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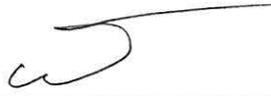
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