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 DEPARTMENT OF  
 WATER RESOURCES

*Attorneys for Petitioner Clear Springs Foods, Inc.*

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

IN THE MATTER OF PETITION TO AMEND	)	
RULE 50.01 OF THE CONJUNCTIVE	)	<b>Docket No.</b>
MANAGEMENT RULES (37.03.11)	)	
_____	)	<b>CLEAR SPRINGS FOODS, INC.'S</b>
	)	<b>PETITION TO AMEND RULE 50</b>

COMES NOW, Clear Springs Foods, Inc. (“Clear Springs”), by and through its attorneys of record, Barker, Rosholt & Simpson, LLP, and petitions to the Director of the Department of Water Resources for initiation of rulemaking pursuant to Idaho Code § 67-5230. More specifically, this *Petition* requests the initiation of rulemaking to modify and amend Rule 50 of the Conjunctive Management Rules (37.03.11 *et seq.*) to properly define the hydrologic boundary of the Eastern Snake Plain Aquifer based upon the most recent data/information.

**PETITION**

Rule 50 of the Conjunctive Management Rules, IDAPA 37.03.11.050.01, provides the following:

Eastern Snake Plain Aquifer. The area of coverage of this rule is the aquifer underlying the Eastern Snake River Plain as the aquifer is defined in the report, Hydrology and Digital Simulation of the Regional Aquifer System, Eastern Snake River Plain, Idaho, USGS Professional Paper 1408-F, 1992 excluding areas south of the Snake River and west of the line separating Sections 34 and 35, Township 10 South, Range 20 East, Boise Meridian.

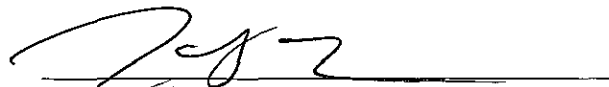
The report referenced in Rule 50 is nearly 20 years old and is not based upon the most recent data information regarding the proper hydrologic boundary of the ESPA. The definition of the ESPA continues to evolve and the definition has been updated by more recent reports such as the Eastern Snake Plain Aquifer Model Final Report dated July 2006. It is not reasonable for IDWR to continue to rely upon an outdated definition of the aquifer when it does not represent the best information available.

Accordingly, this *Petition* requests that Rule 50 be modified and amended as follows:

Eastern Snake Plain Aquifer. The area of coverage of this rule is the aquifer underlying the Eastern Snake River Plain as the aquifer is defined in the report, ~~Hydrology and Digital Simulation of the Regional Aquifer System, Eastern Snake River Plain, Idaho, USGS Professional Paper 1408-F, 1992 excluding areas south of the Snake River and west of the line separating Sections 34 and 35, Township 10 South, Range 20 East, Boise Meridian~~ Enhanced Snake Plain Aquifer Model Final Report dated July 2006, Idaho Water Resources Research Institute Technical Report 06-002.

DATED this 9<sup>th</sup> day of November, 2010.

**BARKER ROSHOLT & SIMPSON LLP**



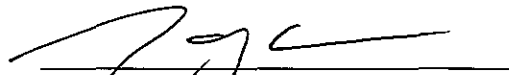
John K. Simpson  
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*Attorneys for Clear Springs Foods, Inc.*

**CERTIFICATE OF MAILING**

I hereby certify that on November 9<sup>th</sup>, 2010, the above and foregoing, was sent to the following by U.S. Mail proper postage prepaid and by email for those with listed email addresses:

Interim Director Gary Spackman c/o Victoria Wigle Idaho Department of Water Resources 322 E. Front Street P.O. Box 83720 Boise, Idaho 83720-0098 <a href="mailto:victoria.wigle@idwr.idaho.gov">victoria.wigle@idwr.idaho.gov</a> <a href="mailto:gary.spackman@idwr.idaho.gov">gary.spackman@idwr.idaho.gov</a> <a href="mailto:garrick.baxter@idwr.idaho.gov">garrick.baxter@idwr.idaho.gov</a>	<input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-mail
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