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*Attorneys for Idaho Ground Water Appropriators, Inc., North Snake Ground Water District, and
Magic Valley Ground Water District (the "Ground Water Users")*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

CLEAR SPRINGS FOODS, INC.,

Petitioner,

vs.

BLUE LAKES TROUT FARM, INC.,

Cross-Petitioner,

vs.

IDAHO GROUND WATER
APPROPRIATORS,
INC., NORTH SNAKE GROUND WATER
DISTRICT, and MAGIC VALLEY GROUND

WATER DISTRICT,

Cross-Petitioners,

vs.

IDAHO DAIRYMEN'S ASSOCIATION,
INC.,

Cross-Petitioner,

vs.

RANGEN, INC.,

Case No. CV-2008-0000444

**GROUND WATER USERS'
MOTION FOR TEMPORARY STAY AND
REQUEST FOR IMMEDIATE ORDER**

**Idaho Ground Water Appropriators, Inc.,
North Snake Ground Water District, and
Magic Valley Ground Water District**

Cross-Petitioner,

vs.

DAVID K. TUTHILL, JR., in his capacity as
Director of the Idaho Department of Water
Resources; and the IDAHO DEPARTMENT
OF WATER RESOURCES,

Respondents.

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHT NOS. 36-
02356A, 36-07210, AND 36-07427
(Blue Lakes Delivery Call)

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHT NOS. 36-
04013A, 36-04013B, AND 36-07148
(Clear Springs Delivery Call)

COMES NOW Idaho Ground Water Appropriators, Inc., North Snake Ground Water District, and Magic Valley Ground Water District and requests temporary stay asking that the Court direct the Director of the Idaho Department of Water Resources to withhold issuing his order on remand until the Court has ruled on the Ground Water Users' pending *Motion for Stay*. The basis of this motion is as follows:

The Court has scheduled a hearing on the *Motion for Stay* for July 19, 2010. The Director has indicated that he intends to issue an order in compliance with the Court's remand order before July 19, 2010. However, once the Director issues his order, one of the parties will likely file an appeal and then a procedural quagmire will have occurred and the waste of administrative, judicial and party resources will not be avoided. Issuing a temporary stay, alleviating the Director's need to file an order regarding material injury will allow the court to fairly consider the Ground Water Users' pending *Motion for Stay* and will relieve the parties of having to wrestle with an additional administrative appeal.

The Ground Waters Users request the Court to rule on this *Motion for Temporary Stay* without oral argument and in an expedited manner because either the Ground Water Users or the Spring Users will be prejudiced by any order that comes from the Director on remand.

This motion is further supported by the *Ground Water Users' Reply Brief in Support of Motion for Stay* that is filed this same date.

SUBMITTED, this 12th day of July, 2010.

RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED




Randall C. Budge
Candice M. McHugh
Thomas J. Budge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of July, 2010, the above and foregoing document was served in the following manner:

Clerk, Gooding County District Court 624 Main St. PO Box 417 Gooding, ID 83330	<input checked="" type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile (208) 934-4408 <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery
<i>Courtesy Copy to Judge's Chambers:</i> Honorable John Melanson Idaho Court of Appeals P.O. Box 83720 Boise, ID 83720-0101 sslover@idcourts.net mshwank@idcourts.net	<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
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Garrick L. Baxter Chris Bromley Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov chris.bromley@idwr.idaho.gov	<input checked="" 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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