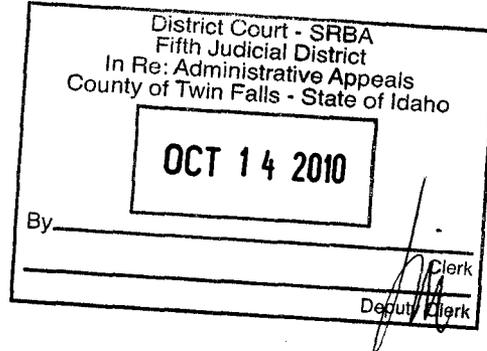


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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

IDAHO GROUND WATER  
APPROPRIATORS, INC.,

Petitioners,

vs.

GARY SPACKMAN, in his capacity as Interim  
Director of the Idaho Department of Water  
Resources, and THE IDAHO DEPARTMENT  
OF WATER RESOURCES

Respondents,

IN THE MATTER OF DISTRIBUTION OF  
WATER TO VARIOUS WATER RIGHTS  
HELD BY OR FOR THE BENEFIT OF A&B  
IRRIGATION DISTRICT, AMERICAN  
FALLS RESERVOIR DISTRICT #2, BURLEY  
IRRIGATION DISTRICT, MILNER  
IRRIGATION DISTRICT, MINIDOKA  
IRRIGATION DISTRICT, NORTH SIDE  
CANAL COMPANY AND TWIN FALLS  
CANAL COMPANY

Case No.: CV-2010-382 (consolidated with  
Gooding County cases CV-2010-383, CV-  
2010-384, CV-2010-387, CV-2010-388 and  
Twin Falls County Case CV-2010-3403)

Case No.: CV-2010-3075 – Twin Falls  
County case

**GROUND WATER USERS' RESPONSE IN  
OPPOSITION TO SURFACE WATER  
COALITION'S JOINT MOTION FOR  
CONSOLIDATION**

The Petitioner the Idaho Ground Water Appropriators, ("IGWA" or "Ground Water  
Users") for and on behalf of its members, by and through its undersigned counsel, and hereby

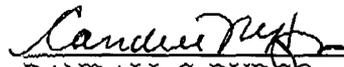
responds to the *Surface Water Coalition's Joint Motion for Consolidation and for Expedited Hearing* ("Motion"). IGWA concurs with the *IDWR Response In Opposition to SWC's Joint Motion for Consolidation* ("IDWR's Response") filed on October 12, 2010 and requests that the Court deny the *SWC's Joint Motion for Consolidation* for the reasons set forth by the Idaho Department of Water Resources in IDWR's Response.

In addition to the reasons set forth in IDWR's Response, consolidation would delay the consideration of the issues in CV- 2010-3075 which approves IGWA's mitigation plan and such delay compromises the certainty as to the permanency of that mitigation plan. The use of the source of water and the method of mitigation and delivery components contained in the mitigation plan are critical to IGWA's ongoing efforts to work toward mitigation solutions.

Based on the foregoing, IGWA requests that the *SWC's Joint Motion for Consolidation* be denied.

DATED this 14<sup>th</sup> day of October, 2010.

RACINE, OLSON, NYE, BUDGE &  
BAILEY, CHARTERED

  
\_\_\_\_\_  
RANDALL C. BUDGE  
CANDICE M. MCHUGH  
THOMAS J. BUDGE

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of October, 2010, the above and foregoing document was served in the following manner.

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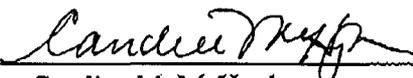
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