

Attorneys for Blue Lakes Trout Company, LLC.

IN THE MATTER OF DISTRIBUTION OF)	
WATER TO WATER RIGHTS NOS. 36-02356A,)	BLUE LAKES TROUT COMPANY,
36-07210, AND 36-07427)	LLC'S PROTEST TO A&B
)	IRRIGATION DISTRICT'S
Blue Lakes Delivery Call)	RULE 43 MITIGATION PLAN
)	
)	
IN THE MATTER OF THE MITIGATION PLAN)	
FILED BY A&B IRRIGATION DISTRICT)	
)	

This *Protest* states the initial grounds Blue Lakes has identified to date for protesting the *A&B Irrigation District's Rule 43 Mitigation Plan* ("*Plan*"). Blue Lakes reserves its rights to amend these grounds, and present additional grounds, for protesting the *Plan* through the

customary pre-hearing opportunities to submit statements of issues, and to present argument and submit briefing on all issues that are raised during hearing.

Initial Grounds For Protest

1. Blue Lakes has not had an opportunity to determine whether the *Plan* provides adequate mitigation for the injury caused to Blue Lakes' water rights by diversion of ground water pursuant to A&B's "Enlargement Rights." Blue Lakes files this *Protest* to preserve its rights and opportunities to review and respond to the *Plan* and the Department's determination of the adequacy of the *Plan*.

2. The Director cannot lawfully approve the *Plan* unless Blue Lakes agrees to accept the proposed mitigation as an alternative to curtailment of junior ground water rights.

Dated this 28th day of September, 2009.

RINGERT LAW, CHTD.



Daniel V. Steenson
Attorneys for Blue Lakes Trout Company, LLC.

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of September, 2009, I served a true and correct copy of the foregoing **PROTEST TO GROUND WATER USERS' JOINT MITIGATION PLAN FOR 2009** by delivering it to the following individuals by the method indicated below, addressed as stated.

Interim Director Gary Spackman
c/o Victoria Wigle
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