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Attorneys for Unit A Association

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE NORTH
SNAKE AND MAGIC VALLEY GROUND
WATER DISTRICTS' 2009 JOINT
MITIGATION PLAN FOR 2009
(Blue Lakes)

Docket Nos. CM-MP-2009-002

IN THE MATTER OF A&B IRRIGATION
DISTRICT'S RULE 43 MITIGATION PLAN

(Water Right Nos. 36-02356A, 36-07210, and
36-07427)

**UNIT A ASSOCIATION'S OPPOSITION
TO STIPULATION AND JOINT
MOTION FOR APPROVAL OF A&B
IRRIGATION DISTRICT'S RULE 43
MITIGATION PLAN**


Protestant Unit A Association, by and through its counsel of record, Perkins Coie LLP, and in accordance with IDAPA 37.01.01.270.02, hereby opposes the Stipulation and Joint Motion for Approval of A&B Irrigation District's Rule 43 Mitigation Plan ("Motion") filed on or about February 2, 2010.

First, the Motion does not address or resolve issues raised in Unit A Association's Protest. Further, Blue Lakes' significantly conditioned acceptance of A&B's Mitigation Plan is merely one of many factors that should be considered by IDWR when evaluating a Mitigation Plan pursuant to Rule 43. IDWR approval of A&B's Mitigation Plan based on the Motion is therefore improper. Accordingly, the Motion should be denied.

UNIT A ASSOCIATION'S OPPOSITION TO
STIPULATION AND JOINT MOTION FOR APPROVAL
OF A&B IRRIGATION DISTRICT'S RULE 43
MITIGATION PLAN - 1
58203-0001/LEGAL17646278.1

DATED: February 3, 2010

PERKINS COIE LLP

By: 
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CERTIFICATE OF SERVICE

I, the undersigned, certify that on February 3, 2010, I caused a true and correct copy of the within named document to be forwarded with all required charges prepaid and properly addressed, by the method(s) indicated below, in accordance with IDAPA 37.01.01.303, to all of the parties of record in this proceeding, as follows:

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