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Randall C. Budge , ISB # 1949
Candice M. McHugh, ISB #5908
RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED
PO Box 1391
Pocatello, ID 83204-1391
Telephone: (208) 232-6101
Facsimile: (208) 232-6109
*Attorneys for North Snake and Magic Valley
Ground Water Districts*

John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
BARKER ROSHOLT & SIMPSON, LLP
113 Main Avenue West, Suite 303
P.O. Box 485
Twin Falls, Idaho 83303-0485
Telephone (208) 733-0700
Facsimile (208) 735-2444
Attorneys for A&B Irrigation District

William Parsons
137 W 13th St.
PO Box 910
Burley, ID 83318
Telephone (208) 878-8382
Attorney for SWID and GCID

A. Dean Tranmer, ISB # 2793
City of Pocatello
P. O. Box 4169
Pocatello, ID 83201
(208) 234-6149
(208) 234-6297 (Fax)

Sarah A. Klahn, ISB #7928
Mitra Pemberton
White & Jankowski, LLP
511 Sixteenth Street, Suite 500
Denver, Colorado 80202
(303) 595-9441
(303) 825-5632 (Fax)
Attorneys for City of Pocatello

Robert A. Maynard, ISB #5537
Erika Malmen, ISB #6185
PERKINS COIE, LLP
1111 W. Jefferson St., Ste. 500
Boise, ID 83702-5391
Telephone (208) 343-3434
Facsimile (208) 343-3232
Attorneys for Unit A Association

RECEIVED
APR 06 2010
DEPARTMENT OF
WATER RESOURCES

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

IN THE MATTER OF NORTH SNAKE
AND MAGIC VALLEY GROUND WATER
DISTRICTS' 2009 JOINT MITIGATION
PLAN TO COMPENSATE BLUE LAKES
TROUT FARM, INC.

MATTER OF THE A&B IRRIGATION
DISTRICT'S 2009 MITIGATION PLAN TO
COMPENSATE BLUE LAKES TROUT
FARM, INC.

IN THE MATTER OF SOUTH WEST
IRRIGATION DISTRICT AND GOOSE

Docket No. CM-MP-2009-001

CM-MP-2009-002

CM-MP-2009-003

**PARTIES' JOINT MOTION TO
MODIFY NOTICE OF HEARING**

CREEK IRRIGATION DISTRICT
MITIGATION PLAN

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

North Snake Ground Water District (NSGWD) and Magic Valley Ground Water District (MVGWD) (collectively "Ground Water Districts"), the City of Pocatello, A&B Irrigation District, Unit A Association, Southwest Irrigation District and Goose Creek Irrigation District, through the undersigned counsel, hereby file this *Joint Motion to Modify Notice of Hearing*.

On February 17, 2010, the Director issued a *Notice of Hearing* setting a hearing on *A&B Irrigation District's Rule 43 Mitigation Plan*. However, the *Notice of Hearing* also included the docket numbers for the *Ground Water Users' Joint Mitigation Plan* (Docket No. CM-MP-2009-01) ("GWU's Mitigation Plan") and *Southwest and Goose Creek Irrigation District Mitigation Plan 2010* (Docket No. CM-MP-2009-03) ("SWID Mitigation Plan"). The hearing set to commence April 7, 2010 only pertains to *A&B Irrigation District's Rule 43 Mitigation Plan* (Docket No. CM-MP-2009-02).

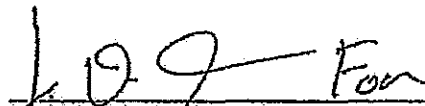
On February 9, 2010, Blue Lakes Trout Farm, Inc. filed a *Notice of Partial Withdrawal of Protest to Ground Water Users' Joint Mitigation Plan*; on the record at the February 10, 2010, status conference, counsel for Clear Springs Foods, Inc., the other Protestant to the GWU's Mitigation Plans, indicated that it did not intend to pursue its protest in light of the Director's *Order Limiting Scope of Hearing* as its issues were not set for hearing or consideration at this time. As such there is no need for a hearing on the *Ground Water Users' Joint Mitigation Plan* and an order approving the GWU's Mitigation Plan that proposes the direct delivery of water to Blue Lakes from Alpheus Creek should be issued.

Blue Lakes did not protest SWID's Mitigation Plan and Clear Springs Foods, Inc., the Protestant to that plan does not intend to go forward with a hearing at this time. Clear Springs anticipates filing a stipulation with SWID and/or a withdrawal of its protest in the near future.

Counsel for Blue Lakes has indicated that Blue Lakes does not object to this joint motion but intends to file a separate statement.

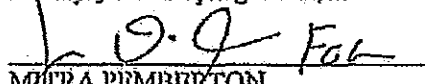
Based on the foregoing, the Parties jointly request that the *Notice of Hearing* be modified to only pertain to *A&B Irrigation District's Rule 43 Mitigation Plan* (Docket No. CM-MP-2009-02).

Dated this 24-day of April, 2010




RANDALL C. BUDGE
CANDICE M. MCHUGH
Attorneys for Ground Water Districts

JOHN SIMPSON
Attorneys for Clear Springs Foods, Inc.




MITRA PEMBERTON
Attorneys for City of Pocatello



DEAN TRAMMER
Attorneys for City of Pocatello



WILLIAMS PARSONS
Attorneys for Southwest and Goose Creek



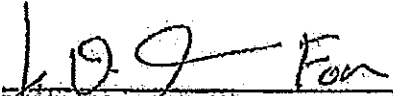
BRIKA MALMEN
Attorneys for Unit A Association

Blue Lakes did not protest SWID's Mitigation Plan and Clear Springs Foods, Inc., the Protestant to that plan does not intend to go forward with a hearing at this time. Clear Springs anticipates filing a stipulation with SWID and/or a withdrawal of its protest in the near future.

Counsel for Blue Lakes has indicated that Blue Lakes does not object to this joint motion but intends to file a separate statement.


Based on the foregoing, the Parties jointly request that the *Notice of Hearing* be modified to only pertain to *A&B Irrigation District's Rule 43 Mitigation Plan* (Docket No. CM-MP-2009-02).

Dated this 21st day of April, 2010



RANDALL C. BUDGE
CANDICE M. MCHUGH
Attorneys for Ground Water Districts


JOHN SIMPSON
Attorneys for Clear Springs Foods, Inc.


MIRA PEMBERTON
Attorneys for City of Pocatello


DEAN TRAXMER
Attorneys for City of Pocatello


WILLIAMS PARSONS
Attorneys for Southwest and Goose Creek

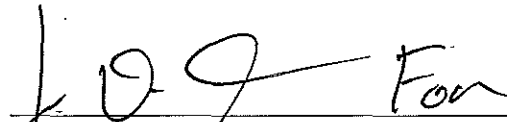

ERIKA MALMEN
Attorneys for Unit A Association

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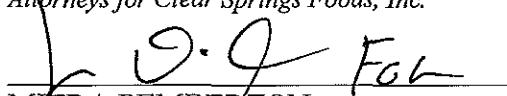
Based on the foregoing, the Parties jointly request that the *Notice of Hearing* be modified to only pertain to *A&B Irrigation District's Rule 43 Mitigation Plan* (Docket No. CM-MP-2009-02).

Dated this 20 day of April, 2010

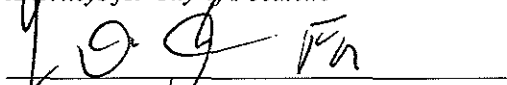


RANDALL C. BUDGE
CANDICE M. MCHUGH
Attorneys for Ground Water Districts

JOHN SIMPSON
Attorneys for Clear Springs Foods, Inc.



MITRA PEMBERTON
Attorneys for City of Pocatello



DEAN TRANMER
Attorneys for City of Pocatello

WILLIAMS PARSONS
Attorneys for Southwest and Goose Creek

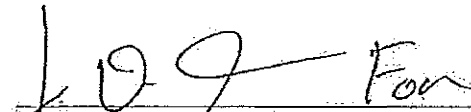
ERIKA MALMEN
Attorneys for Unit A Association

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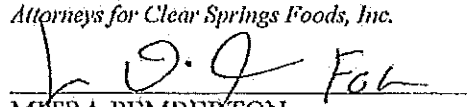
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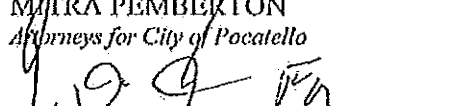
Based on the foregoing, the Parties jointly request that the *Notice of Hearing* be modified to only pertain to *A&B Irrigation District's Rule 43 Mitigation Plan* (Docket No. CM-MP-2009-02).

Dated this 27th day of April, 2010

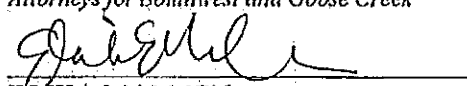

RANDALL C. BUDGE
CANDICE M. MCHUGH
Attorneys for Ground Water Districts

JOHN SIMPSON
Attorneys for Clear Springs Foods, Inc.


MITRA PEMBERTON
Attorneys for City of Pocatello


DEAN TRANMER
Attorneys for City of Pocatello

WILLIAMS PARSONS
Attorneys for Southwest and Goose Creek


ERIKA MALMEN
Attorneys for Unit A Association

CERTIFICATE OF MAILING

I hereby certify that on this 6th day of April, 2010, the above and foregoing was sent to the following by U.S. Mail, proper postage prepaid and by e-mail for those with listed e-mail addresses:

Gary Spackman, Interim Director
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
victoria.wigle@idwr.idaho.gov
garrick.baxter@idwr.idaho.gov
chris.bromley@idwr.idaho.gov

U.S. Mail, postage prepaid
 Facsimile
 E-Mail
 Hand Delivery

John K. Simpson
Travis L. Thompson
Paul L. Arrington
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, Idaho 83701
jks@idahowaters.com
tlt@idahowaters.com
pla@idahowaters.com

U.S. Mail, postage prepaid
 Facsimile
 E-Mail
 Hand Delivery

Daniel V. Steenson
Charles L. Honsinger
RINGERT CLARK
P.O. Box 2773
Boise, Idaho 83701-2773
dan@ringertlaw.com
clh@ringertlas.com

U.S. Mail, postage prepaid
 Facsimile
 E-Mail
 Hand Delivery

courtesy copy

Robert A. Maynard
Erica Malmen
PERKINS COIE, LLP
1111 W. Jefferson St., Ste. 500
Boise, ID 83702-5391
rmaynard@perkinscoie.com
emalmen@perkinscoie.com

U.S. Mail, postage prepaid
 Facsimile
 E-Mail
 Hand Delivery

William Parsons
137 W 13th St.
PO Box 910
Burley, ID 83318
wparsons@pmt.org

U.S. Mail, postage prepaid
 Facsimile
 E-Mail
 Hand Delivery

Sarah A. Klahn
White & Jankowski, LLP
511 Sixteenth Street, Suite 500
Denver, Colorado 80202
(303) 595-9441
(303) 825-5632 (Fax)
sarahk@white-jankowski.com

U.S. Mail, postage prepaid
 Facsimile
 E-Mail
 Hand Delivery

A. Dean Tranmer (ISB # 2793)
City of Pocatello
P. O. Box 4169
Pocatello, ID 83201
(208) 234-6149
(208) 234-6297 (Fax)
dtranmer@pocatello.us

U.S. Mail, postage prepaid
 Facsimile
 E-Mail
 Hand Delivery

Becky Hawey for:
CANDICE M. McHUGH