BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

NOTICE OF MITIGATION PLAN SUBMITTAL
BY SOUTHWEST AND GOOSE CREEK
IRRIGATION DISTRICTS IN RESPONSE TO
SNAKE RIVER FARM WATER DELIVERY
CALL
(Water Right Nos. 36-04013A, 36-04013B, and 36-07148)

CM-MP-2009-005
ORDER APPROVING
MITIGATION PLAN IN LIEU
OF CURTAILMENT

On October 20, 2009, Southwest Irrigation District ("Southwest") and Goose Creek
Irrigation District ("Goose Creek") filed a CM Rule 43 mitigation plan to address the delivery
call by Snake River Farm ("Snake River Farm" or "Clear Springs") that is the subject of this
contested case. Southwest and Goose Creek will be jointly referred to hereafter as
Southwest/Goose Creek. Southwest/Goose Creek's October 20, 2009 mitigation plan also
contained a mitigation plan to address another delivery call filed by Blue Lakes Trout, Inc. This
order only addresses the portion of the mitigation plan filed to address the Snake River Farm
delivery call.

On April 26, 2010, Southwest/Goose Creek and Clear Springs filed a Stipulation and
Joint Motion for Approval of Mitigation Plan. In the April 2010 stipulation, Southwest/Goose
Creek and Clear Springs agreed as follows:

. . . SWID ["Southwest/Goose Creek"] and Clear Springs seek to stay this proceeding on the mitigation plan for 2010. . . . Clear Springs would accept
SWID's implementation of its proposed mitigation plan for 2010 to allow the
parties additional time to review the plan in greater detail and determine whether

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or not a permanent solution could be agreed upon without the need for a hearing on the plan. SWID agree to implement the actions identified in the plan . . .

Clear Springs’ stipulation to the SWID mitigation plan for 2010 does not constitute a waiver of any position Clear Springs has taken or may take in the future that the Director has failed and is failing to acknowledge the full extent of injury to Clear Springs’ water rights, and that the Director has failed or is failing to administer junior ground water diversions that cause injury to Clear Springs’ water rights as required by Idaho law.

In the Request for Relief portion of the motion, Southwest/Goose Creek and Clear Springs request the following:

SWID and Clear Springs hereby stipulate to implementation of the mitigation plan for 2010 in lieu of curtailment. SWID and Clear Springs further move the Director to stay proceedings on the mitigation plan until further notified by the parties.

The interim Director accepts the provisions of the stipulation between the parties.

ORDER

IT IS HEREBY ORDERED that Southwest Irrigation District and Goose Creek Irrigation District shall implement the provisions of their October 20, 2009 mitigation plan during 2010 in lieu of curtailment.

IT IS FURTHER ORDERED that failure to implement the full plan as described in the October 20, 2009 mitigation plan may result in curtailment of water rights within the district boundaries of Southwest Irrigation District and Goose Creek Irrigation District.

Dated this 7th day of May, 2010.

GARY SPACKMAN
Interim Director
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of May, 2010, the above and foregoing, was served by the method indicated below, and addressed to the following:

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Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources

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