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

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

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

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

Docket Nos.:
CM-MP-2009-001
CM-MP-2009-002
CM-MP-2009-003

**CITY OF POCATELLO'S
STATEMENT OF POSITION
REGARDING PENDING
MITIGATION MATTERS**

The City of Pocatello ("City" or "Pocatello") hereby submits this Statement of Position Regarding Pending Mitigation Matters in preparation for the scheduled status conference before the Director on February 10, 2010.

Pocatello does not object in concept to the Stipulation and Joint Motion for Approval of A&B Irrigation District's Rule 43 Mitigation Plan ("Joint Stipulation") received February 1, 2010. However, even if the Joint Stipulation is approved by the Director, there remain mixed issues of law and fact in this case: how will the Department provide credit for mitigation water where multiple mitigation plans propose to address the same alleged shortage, and specifically, how will the Department calculate and assign such mitigation credit to prevent over-mitigation? If the Joint Stipulation is to be approved by the Director, the Director must then address these remaining questions of law and fact that are common to the mitigation plans before the Department. Therefore, Pocatello intends to continue its participation under its Protest in this matter to address its concerns regarding over-replacement.

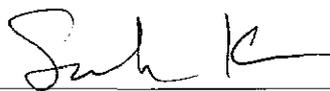
Further, to clarify, Pocatello neither supports nor opposes the filings made recently by Unit A, including their Opposition to the Joint Motion.

DATED this 9TH day of February, 2010.

CITY OF POCATELLO ATTORNEY'S OFFICE
Attorneys for the City of Pocatello

By 
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By 
Sarah A. Klahn

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of February, 2010, the above and foregoing **City of Pocatello's Statement of Position Regarding Pending Mitigation Matters for Docket No. CM-MP-2009-001, CM-MP-2009-002, CM-MP-2009-003** [aka Blues Lakes Mitigation] was sent to the following by e-mail at the listed e-mail addresses:



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