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*Attorneys for IGWA, North Snake Ground Water District, and Magic Valley Ground Water District*

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING**

IDAHO GROUND WATER  
 APPROPRIATORS,  
 INC., NORTH SNAKE GROUND WATER  
 DISTRICT, and MAGIC VALLEY GROUND  
 WATER DISTRICT,

Petitioners,

vs.

GARY SPACKMAN, in his capacity as  
 Interim Director of the Idaho Department of  
 Water Resources; and the IDAHO  
 DEPARTMENT OF WATER RESOURCES,  
 Respondents.

vs.

CLEAR SPRINGS FOODS, INC.

IN THE MATTER OF DISTRIBUTION OF  
 WATER TO WATER RIGHT NOS. 36-  
 04103A, 36-04013B AND 36-7148 (Snake  
 River Farm)

(Water District Nos. 130 and 140)

STATE OF IDAHO                    )  
   : ss  
 County of Bannock                )

**Affidavit of Randall C. Budge - 1**

Case No.

**AFFIDAVIT OF  
 RANDALL C. BUDGE**

**North Snake Ground Water District, and  
 Magic Valley Ground Water District**

Randall C. Budge, being first duly sworn under oath deposes and states as follows:

1. That I am now and was at all times mentioned herein a duly-licensed and practicing attorney at law in good standing under the laws of the State of Idaho, holding Idaho State Bar License No. 1949, and member of the law firm of Racine, Olson, Nye, Budge & Bailey, Chartered, Pocatello, Idaho, attorneys of record for the Petitioner Ground Water Districts.

2. I am familiar with the Orders, pleadings and record established before the Idaho Department of Water Resources in the matter of the delivery call of Clear Springs Food, Inc., which is the subject matter of this appeal.

3. To the best of my knowledge, information and belief, the exhibits identified below and attached hereto are true and correct copies of the originals on file in this matter before the Idaho Department of Water Resources or the Court in Gooding County Case No. CV-2008-444, to-wit:

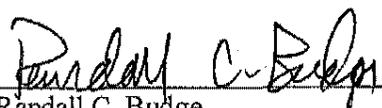
Exhibit No.	Date	Description
1	3/12/2009	2009 Replacement Water Plan and Third Mitigation Plan (Over the Rim) of North Snake Ground Water District and Magic Valley Ground Water District
2	3/19/2009	Augmentation to 2009 Replacement Water Plan and Third Mitigation Plan (Over the Rim) of North Snake Ground Water District and Magic Valley Ground Water District
3	3/26/2009	Order Approving Ground Water Districts' Replacement Water Plan for 2009
4	4/1/2009- 6/4/2009	Ground Water Districts Weekly Status Reports to Director
5	4/27/2009	Clear Springs Food, Inc.'s Motion for Partial Stay of Implementation of Director's March 26, 2009 Order Approving Ground Water Districts' Replacement Water Plan for 2009.
6	5/15/2009	Order Granting Partial Stay of Ground Water Districts' Replacement Water Plan for 2009.
7	5/15/2009	Order Appointing Hearing Officer; Granting Petition to Intervene; and Consolidating Matters for Hearing.

9	6/19/2009	Order on Petition for Judicial Review, Gooding County Case No. CV-2008-444
10	6/25/2009	Response letter from Ground Water Districts.
11	6/30/2009	Director David R. Tuthill, Jr. letter.
12	7/9/2009	Ground Water District letter to Interim Director Spackman.
13	7/10/2009	Ground Water Districts' Petition for Rehearing in Gooding County Case No. CV-2008-444.
14	7/22/2009	Order Curtailing Ground Water Rights in Water District Nos. 130 and 140 junior to January 8, 1981.
15	7/24/2009	Order Granting Rehearing in Gooding County Case No. CV-2008-444.
16	7/28/2009	Ground Water Districts' Plan of Action, Petition for Reconsideration, and Request for Hearing.
17	7/29/2009	Order Regarding Ground Water Districts' Plan of Action.
18	8/3/2009	Ground Water Districts' Second Plan of Action, Petition for Reconsideration and Request for Status Conference.
19	8/4/2009	Order Denying Petition for Reconsideration.
20	8/7/2009	Amended Curtailment Order
21	7/5/2007	Order Approving Dairymen's and IGWA's 2008 Replacement Water Plans, Rescinding 2007 Curtailment, and Setting Hearing and Prehearing Schedule.

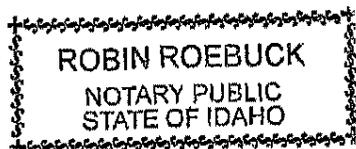
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this \_\_\_ day of August, 2009.

RACINE, OLSON, NYE, BUDGE  
& BAILEY, CHARTERED

  
Randall C. Budge

SUBSCRIBED AND SWORN TO before me this 11<sup>th</sup> day of August, 2009.



  
NOTARY PUBLIC FOR IDAHO,  
Residing at Pocatello.  
My Commission Expires 8/18/2012.