

**WEEKLY PROGRESS REPORT:**  
**2009 MITIGATION PLAN FOR CLEAR SPRINGS**  
**(Conversions and Over-the-Rim Pipeline)**

TO: David R. Tuthill, Jr., IDWR Director  
 FROM: North Snake and Magic Valley Ground Water Districts  
 RE: Compliance with March 26, 2009 Order  
 DATE: Week 1 - April 2, 2009

Matter	Description	Status	Target Dates	Percent Completed
1. Conversion Water Supply	Conversion water will be supplied by existing IGWA storage water leases identified in Plan	Individual lease source to be identified prior to commencement of delivery	6-1-09	90%
2. Water Supply Bank (FF 35)	IDWR Form App. To Lease Water to the State Water Supply Bank to be submitted for all water rights to be used for the OTR delivery. Districts will rent this water from the Water Supply Bank to permit delivery to Clear Springs per Plan.	Applications to Lease and Rent being prepared for all water rights.	4-15-09 filing date	20%
3. Conveyance Agreement	Conveyance Agreement to be entered into between North Side Canal Company (NSCC) and Districts to provide for the delivery of leased water through canal system to conversion acres.	Verbal commitment provided by NSCC officers/directors. Proposed Conversion Agreement provided to NSCC for review 3-12 -09. NSCC Board approved Conversion Agreement 3-30-09 to be signed by parties.	4-15-09	90%
4. Pipeline Easements	Pipeline Easements required for OTR pipeline and from conversion participants.	OTR Landowner L&M Corp contacted and provided verbal commitment for Easement Agreement. Draft Pipeline Easement Agreement provided to L&M 3-18-09. (Easements for conversion participants included in Lease and Conversion Agreements, No. 5 below).	4-15-09	25%
5. Lease and	Lease and Conversion	Verbal commitments	4-15-09	50%

Conversion Agreements	Agreements to be entered into with Land/Water Right Owners providing for the long-term lease of water rights and conversion from ground to surface water.	previously received from each participating owner. Draft Lease and Conversion Agreement provided to participating Land/Water Right Owners 3/25-4/1/09.		
6. Bond (FF38, CL5)	Post bond equal to the cost of construction of the project, estimated at \$500,000.	Districts' insurer contacted, cost estimate obtained with bond application being processed.	5-1-09	25%
7. Project Engineering & Design	Licensed engineers to be employed to prepare conceptual design/engineering and oversee OTR pipeline construction works.  Districts to coordinate conversion work w/landowners and contractors	AMEC (C. Brendecke) and SPF (B. Hargrove/T. Scanlan) employed to prepare conceptual design/engineering as necessary to expedite bidding, construction contracts and work commencement.  Districts coordinating conversion design/plans w/landowners.  This work began 3-26-09.	Ongoing	10%
8. System Operating Plan (CL6)	System Operating Plan to be developed and submitted to IDWR.	Engineers to prepare System Operating Plan	5-15-09 submit preliminary Plan to IDWR	0%
9. Construction Contracts:  A. Conversions  B. OTR Pipeline	A. Conversions: Construction Contract to be let for conversion work.  B. OTR Pipeline: Construction Contract to be entered into for OTR pipeline and related work.	A. Individual land owners working with Districts and private contractors.  B. Contract to be secured after engineering/design completed.	A. 5-1-09 to commence construction  B. 5-1-09 to commence construction	A. 0%  B. 0%
10. Construction Work:  A. Conversions to Surface Water	Construct pipelines and facilities to convert participants to surface water and delivery well water OTR to Snake River Farms.  Convert landowners from ground to surface water irrigation.  Construct pipeline to delivery water OTR to	District working with landowners and contractors to coordinate construction work.  Upon completion of conceptual design general work contacts to be secured	4-1-09 start 5-1-09 complete	0%

B. OTR Pipeline	Snake River Farms	to expedite work.	4-15-09 start 5-25-09 complete	0%
C. Back-up Power (FF36)	Construct back-up power supplies.	Generator to be installed to supply wells 2 and 3. Bids being obtained.	5-15-09 start 6-1-09 complete	0%
D. Measuring/Monitoring Devices	Install water measurement and monitoring devises at each well and SRF delivery point.	Bids being obtained for measuring devises and aeration system to boost oxygen and address any nitrogen issues.	"	0%
E. Clear Springs Connection (FF29)	Connect OTR pipeline to Snake River Farms raceway or intake.	Awaiting Clear Springs' designation of point of delivery. Coordination efforts to be undertaken.		0%
11. Pre-Delivery Testing and Monitoring (CL7)	Test and monitor production wells and pipeline prior to connecting OTR system to Clear Springs facility		5-25-09 start 6-1-09 complete	0%
12. Unforeseen Delays (FF39)	Report unforeseen delays		Ongoing	

**WEEKLY PROGRESS REPORT:**  
**2009 MITIGATION PLAN FOR CLEAR SPRINGS**  
**(Conversions and Over-the-Rim Pipeline)**

TO: David R. Tuthill, Jr., IDWR Director  
 FROM: North Snake and Magic Valley Ground Water Districts  
 RE: Compliance with March 26, 2009 Order  
 DATE: Week 2 - April 9, 2009

Matter	Description	Status	Target Dates	Percent Completed
1. Conversion Water Supply	Conversion water will be supplied by existing IGWA storage water leases identified in Plan	Individual lease source to be identified prior to commencement of delivery	6-1-09	90%
2. Water Supply Bank (FF 35)	IDWR Form App. To Lease Water to the State Water Supply Bank to be submitted for all water rights to be used for the OTR delivery. Districts will rent this water from the Water Supply Bank to permit delivery to Clear Springs per Plan.	Applications to Lease and Rent being prepared for all water rights.	4-15-09 filing date	20%
3. Conveyance Agreement	Conveyance Agreement to be entered into between North Side Canal Company (NSCC) and Districts to provide for the delivery of leased water through canal system to conversion acres.	Verbal commitment provided by NSCC officers/directors. Proposed Conversion Agreement provided to NSCC for review 3-12 -09. NSCC Board approved Conversion Agreement 3-30-09 to be signed by parties.	4-15-09	90%
4. Pipeline Easements	Pipeline Easements required for OTR pipeline and from conversion participants.	OTR Landowner L&M Corp contacted and provided verbal commitment for Easement Agreement. Draft Pipeline Easement Agreement provided to L&M 3-18-09. (Easements for conversion participants included in Lease and Conversion Agreements, No. 5 below).	4-15-09	25%

5. Lease and Conversion Agreements	Lease and Conversion Agreements to be entered into with Land/Water Right Owners providing for the long-term lease of water rights and conversion from ground to surface water.	Verbal commitments previously received from each participating owner. Draft Lease and Conversion Agreement provided to participating Land/Water Right Owners 3/25-4/1/09. Proposed Agreement approved by owners and in process of signatures.	4-15-09	75%
6. Bond (FF38, CL5)	Post bond equal to the cost of construction of the project, estimated at \$500,000.	Districts' insurer contacted, cost estimate obtained with bond application being processed. Each contractor will also be required to provide performance bond.	5-1-09	25%
7. Project Engineering & Design	Licensed engineers to be employed to prepare conceptual design/engineering and oversee OTR pipeline construction works.  Districts to coordinate conversion work w/landowners and contractors	AMEC (C. Brendecke) and SPF (B. Hargrove/T. Scanlan) employed to prepare conceptual design/engineering as necessary to expedite bidding, construction contracts and work commencement.  Districts coordinating conversion design/plans w/landowners.  This work began 3-26-09.	Ongoing	20%
8. System Operating Plan (CL6)	System Operating Plan to be developed and submitted to IDWR.	Engineers to prepare System Operating Plan	5-15-09 submit preliminary Plan to IDWR	20%
9. Construction Contracts:				
A. Conversions	A. Conversions: Construction Contract to be let for conversion work.	A. Individual land owners working with Districts and private contractors. (3) Bids obtained and under review.	A. 4-10-09 to commence construction 5-1-09 completion	A. 70%
B. OTR Pipeline	B. OTR Pipeline: Construction Contract to be entered into for OTR pipeline and related work.	B. Contract to be secured after engineering/design completed. Bids obtained for boring and under review.	B. 4-10-09 to commence construction	B. 20%

10. Construction Work:	Construct pipelines and facilities to convert participants to surface water and delivery well water OTR to Snake River Farms.			
A. Conversions to Surface Water	Convert landowners from ground to surface water irrigation.	District working with landowners and contractors to coordinate construction work.	4-10-09 start 5-1-09 complete	0%
B. OTR Pipeline	Construct pipeline to delivery water OTR to Snake River Farms	Upon completion of conceptual design general work contacts to be secured to expedite work.	4-10-09 start 5-25-09 complete	0%
C. Back-up Power (FF36)	Construct back-up power supplies.	Generator to be installed to supply wells 2 and 3. Bids being obtained.	5-15-09 start 6-1-09 complete	0%
D. Measuring/Monitoring Devices	Install water measurement and monitoring devises at each well and SRF delivery point.	Bids being obtained for measuring devises and aeration system to boost oxygen and address any nitrogen issues.	“	0%
E. Clear Springs Connection (FF29)	Connect OTR pipeline to Snake River Farms raceway or intake.	Awaiting Clear Springs' designation of point of delivery. Coordination efforts to be undertaken.	5-1-09 start 6-1-09 complete	0%
11. Pre-Delivery Testing and Monitoring (CL7)	Test and monitor production wells and pipeline prior to connecting OTR system to Clear Springs facility		5-25-09 start 6-1-09 complete	0%
12. Unforeseen Delays (FF39)	Report unforeseen delays		Ongoing	

**WEEKLY PROGRESS REPORT:  
2009 MITIGATION PLAN FOR CLEAR SPRINGS  
(Conversions and Over-the-Rim Pipeline)**

TO: David R. Tuthill, Jr., IDWR Director  
 FROM: North Snake and Magic Valley Ground Water Districts  
 RE: Compliance with March 26, 2009 Order  
 DATE: Week 3 - April 16, 2009

Matter	Description	Status	Target Dates	Percent Completed
1. Conversion Water Supply	Conversion water will be supplied by existing IGWA storage water leases identified in Plan	Individual lease source to be identified prior to commencement of delivery	6-1-09	90%
2. Water Supply Bank (FF 35)	IDWR Form App. To Lease Water to the State Water Supply Bank to be submitted for all water rights to be used for the OTR delivery. Districts will rent this water from the Water Supply Bank to permit delivery to Clear Springs per Plan.	Applications to Lease and Rent being prepared for all water rights.	4-15-09 filing date	20%
3. Conveyance Agreement	Conveyance Agreement to be entered into between North Side Canal Company (NSCC) and Districts to provide for the delivery of leased water through canal system to conversion acres.	Verbal commitment provided by NSCC officers/directors. Proposed Conversion Agreement provided to NSCC for review 3-12 -09. NSCC Board approved Conversion Agreement 3-30-09 to be signed by parties.	4-15-09	90%
4. Pipeline Easements	Pipeline Easements required for OTR pipeline and from conversion participants.	OTR Landowner L&M Corp contacted and provided verbal commitment for Easement Agreement. Draft Pipeline Easement Agreement provided to L&M 3-18-09. (Easements for conversion participants included in Lease and Conversion Agreements, No. 5 below).	4-15-09	25%

5. Lease and Conversion Agreements	Lease and Conversion Agreements to be entered into with Land/Water Right Owners providing for the long-term lease of water rights and conversion from ground to surface water.	Verbal commitments previously received from each participating owner. Draft Lease and Conversion Agreement provided to participating Land/Water Right Owners 3/25-4/1/09. Proposed Agreement approved by owners and in process of signatures.	4-15-09	75%
6. Bond (FF38, CL5)	Post bond equal to the cost of construction of the project, estimated at \$500,000.	Districts' insurer contacted, cost estimate obtained with bond application being processed. Each contractor will also be required to provide performance bond.	5-1-09	25%
7. Project Engineering & Design	Licensed engineers to be employed to prepare conceptual design/engineering and oversee OTR pipeline construction works.  Districts to coordinate conversion work w/landowners and contractors	AMEC (C. Brendecke) and SPF (B. Hargrove/T. Scanlan) employed to prepare conceptual design/engineering as necessary to expedite bidding, construction contracts and work commencement.  Districts coordinating conversion design/plans w/landowners.  This work began 3-26-09.	Ongoing	50%
8. System Operating Plan (CL6)	System Operating Plan to be developed and submitted to IDWR.	Engineers to prepare System Operating Plan	5-15-09 submit preliminary Plan to IDWR	20%
9. Construction Contracts:				
A. Conversions	A. Conversions: Construction Contract to be let for conversion work.	A. Contract entered into with Don's Irrigation for all conversion work.	A. 4-10-09 to commence construction 5-1-09 completion	A. 100%
B. OTR Pipeline	B. OTR Pipeline: Construction Contract to be entered into for OTR pipeline and related work.	B. Contract to be secured after engineering/design completed. Bids obtained for boring and under review.	B. 4-10-09 to commence construction	B. 30%

10. Construction Work:	Construct pipelines and facilities to convert participants to surface water and delivery well water OTR to Snake River Farms.			
A. Conversions to Surface Water	Convert landowners from ground to surface water irrigation.	District working with landowners and contractors to coordinate construction work. Don's Irrigation commenced construction 4-8-09.	4-10-09 start 5-1-09 complete	30%
B. OTR Pipeline	Construct pipeline to delivery water OTR to Snake River Farms	Upon completion of conceptual design general work contacts to be secured to expedite work.	4-10-09 start 5-25-09 complete	0%
C. Back-up Power (FF36)	Construct back-up power supplies.	Generator to be installed to supply wells 2 and 3. Bids being obtained.	5-15-09 start 6-1-09 complete	0%
D. Measuring/Monitoring Devices	Install water measurement and monitoring devises at each well and SRF delivery point.	Bids being obtained for measuring devises and aeration system to boost oxygen and address any nitrogen issues.	"	0%
E. Clear Springs Connection (FF29)	Connect OTR pipeline to Snake River Farms raceway or intake.	Awaiting Clear Springs' designation of point of delivery. Coordination efforts to be undertaken.	5-1-09 start 6-1-09 complete	0%
11. Pre-Delivery Testing and Monitoring (CL7)	Test and monitor production wells and pipeline prior to connecting OTR system to Clear Springs facility		5-25-09 start 6-1-09 complete	0%
12. Unforeseen Delays (FF39)	Report unforeseen delays		Ongoing	

**WEEKLY PROGRESS REPORT:  
2009 MITIGATION PLAN FOR CLEAR SPRINGS  
(Conversions and Over-the-Rim Pipeline)**

TO: David R. Tuthill, Jr., IDWR Director  
 FROM: North Snake and Magic Valley Ground Water Districts  
 RE: Compliance with March 26, 2009 Order  
 DATE: Week 4 - April 27, 2009

Matter	Description	Status	Target Dates	Percent Completed
1. Conversion Water Supply	Conversion water will be supplied by existing IGWA storage water leases identified in Plan.	Individual lease source to be identified prior to commencement of delivery	6-1-09	90%
2. Water Supply Bank (FF 35)	IDWR Form App. To Lease Water to the State Water Supply Bank to be submitted for all water rights to be used for the OTR delivery. Districts will rent this water from the Water Supply Bank to permit delivery to Clear Springs per Plan.	Applications to Lease and Rent being prepared for all water rights. Adequate is water available.	4-30-09 filing date	30%
3. Conveyance Agreement	Conveyance Agreement to be entered into between North Side Canal Company (NSCC) and Districts to provide for the delivery of leased water through canal system to conversion acres.	Verbal commitment provided by NSCC officers/directors. Proposed Conversion Agreement provided to NSCC for review 3-12 -09. NSCC Board approved Conversion Agreement 3-30-09 to be signed by parties.	4-15-09	90%
4. Pipeline Easements	Pipeline Easements required for OTR pipeline and from conversion participants.	OTR Landowner L&M Corp. contacted and provided verbal commitment for Easement Agreement. Draft Pipeline Easement Agreement provided to L&M 3-18-09; revision sent 4-16-09. (Easements for conversion participants included in Lease and Conversion Agreements, No. 5 below).	4-30-09	25%

5. Lease and Conversion Agreements	Lease and Conversion Agreements to be entered into with Land/Water Right Owners providing for the long-term lease of water rights and conversion from ground to surface water.	Verbal commitments previously received from each participating owner. Draft Lease and Conversion Agreement provided to participating Land/Water Right Owners 3/25-4/1/09. Proposed Agreement approved by owners and in process of signatures.	4-15-09	75%
6. Bond (FF38, CL5)	Post bond equal to the cost of construction of the project, estimated at \$500,000.	Districts' insurer contacted, cost estimate obtained with bond application being processed. Each contractor will also be required to provide performance bond.	5-1-09	25%
7. Project Engineering & Design	Licensed engineers to be employed to prepare conceptual design/engineering and oversee OTR pipeline construction works.  Districts to coordinate conversion work w/landowners and contractors	AMEC (C. Brendecke) and SPF (B. Hargrove/T. Scanlan) employed to prepare conceptual design/engineering as necessary to expedite bidding, construction contracts and work commencement.  Districts coordinating conversion design/plans w/landowners.  This work began 3-26-09.	Ongoing	55%
8. System Operating Plan (CL6)	System Operating Plan to be developed and submitted to IDWR.	Engineers to prepare System Operating Plan	5-22-09 submit preliminary Plan to IDWR	20%
9. Construction Contracts:  A. Conversions  B. OTR Pipeline	A. Conversions: Construction Contract to be let for conversion work.  B. OTR Pipeline: Construction Contract to be entered into for OTR pipeline and related work.	A. Contract entered into with Don's Irrigation for all conversion work.  B. Contract to be secured after engineering/design completed. Bids obtained for boring and under review.	A. 4-10-09 to commence construction 5-1-09 completion  B. 4-30-09 to commence construction	A. 100%  B. 30%
10. Construction Work:	Construct pipelines and facilities to convert participants to surface water and delivery well water OTR to Snake River Farms.			

A. Conversions to Surface Water	Convert landowners from ground to surface water irrigation.	District working with landowners and contractors to coordinate construction work. Don's Irrigation commenced construction 4-8-09.	4-10-09 start 5-1-09 complete	75%
B. OTR Pipeline	Construct pipeline to delivery water OTR to Snake River Farms	Upon completion of conceptual design general work contacts to be secured to expedite work.	4-30-09 start 6-1-09 complete	0%
C. Back-up Power (FF36)	Construct back-up power supplies.	Generator to be installed to supply wells 2 and 3. Bids being obtained.	5-15-09 start 6-1-09 complete	0%
D. Measuring/Monitoring Devices	Install water measurement and monitoring devises at each well and SRF delivery point.	Bids being obtained for measuring devises and aeration system to boost oxygen and address any nitrogen issues.	"	0%
E. Clear Springs Connection (FF29)	Connect OTR pipeline to Snake River Farms raceway or intake.	Awaiting Clear Springs' designation of point of delivery. Coordination efforts to be undertaken.	5-1-09 start 6-1-09 complete	0%
11. Pre-Delivery Testing and Monitoring (CL7)	Test and monitor production wells and pipeline prior to connecting OTR system to Clear Springs facility		5-25-09 start 6-1-09 complete	0%
12. Unforeseen Delays (FF39)	Report unforeseen delays		Ongoing	

**WEEKLY PROGRESS REPORT:  
2009 MITIGATION PLAN FOR CLEAR SPRINGS  
(Conversions and Over-the-Rim Pipeline)**

TO: David R. Tuthill, Jr., IDWR Director  
 FROM: North Snake and Magic Valley Ground Water Districts  
 RE: Compliance with March 26, 2009 Order  
 DATE: Week 5 - April 30, 2009

Matter	Description	Status	Target Dates	Percent Completed
1. Conversion Water Supply	Conversion water will be supplied by existing IGWA storage water leases identified in Plan.	Individual lease source to be identified prior to commencement of delivery	6-1-09	90%
2. Water Supply Bank (FF 35)	IDWR Form App. To Lease Water to the State Water Supply Bank to be submitted for all water rights to be used for the OTR delivery. Districts will rent this water from the Water Supply Bank to permit delivery to Clear Springs per Plan.	Applications to Lease and Rent being prepared for all water rights. Adequate is water available.	4-30-09 filing date	30%
3. Conveyance Agreement	Conveyance Agreement to be entered into between North Side Canal Company (NSCC) and Districts to provide for the delivery of leased water through canal system to conversion acres.	Final Conveyance Agreements executed 4/23/09 and . NSCC to deliver water to conversions.	4-15-09	100%
4. Pipeline Easements	Pipeline Easements required for OTR pipeline and from conversion participants.	OTR Landowner L&M Corp. contacted and provided verbal commitment for Easement Agreement. Draft Pipeline Easement Agreement provided to L&M 3-18-09; revision sent 4-16-09. (Easements for conversion participants included in Lease and Conversion Agreements, No. 5 below).	4-30-09	25%

5. Lease and Conversion Agreements	Lease and Conversion Agreements to be entered into with Land/Water Right Owners providing for the long-term lease of water rights and conversion from ground to surface water.	Verbal commitments previously received from each participating owner. Draft Lease and Conversion Agreement provided to participating Land/Water Right Owners 3/25-4/1/09. Proposed Agreement approved by owners and in process of signatures.	4-15-09	75%
6. Bond (FF38, CL5)	Post bond equal to the cost of construction of the project, estimated at \$500,000.	Districts' insurer contacted, cost estimate obtained with bond application being processed. Each contractor will also be required to provide performance bond. GWD to IWRB on 4/30/09 for \$500,000 loan to complete project..	5-1-09	25%
7. Project Engineering & Design	Licensed engineers to be employed to prepare conceptual design/engineering and oversee OTR pipeline construction works.  Districts to coordinate conversion work w/landowners and contractors	AMEC (C. Brendecke) and SPF (B. Hargrove/T. Scanlan) employed to prepare conceptual design/engineering as necessary to expedite bidding, construction contracts and work commencement.  Districts coordinating conversion design/plans w/landowners.  This work began 3-26-09.	Ongoing	55%
8. System Operating Plan (CL6)	System Operating Plan to be developed and submitted to IDWR.	Engineers to prepare System Operating Plan	5-22-09 submit preliminary Plan to IDWR	20%
9. Construction Contracts:  A. Conversions  B. OTR Pipeline	A. Conversions: Construction Contract to be let for conversion work.  B. OTR Pipeline: Construction Contract to be entered into for OTR pipeline and related work.	A. Contract entered into with Don's Irrigation for all conversion work.  B. Contract to be secured after engineering/design completed. Bids obtained for boring and under review.	A. 4-10-09 to commence construction 5-1-09 completion  B. 4-30-09 to commence construction	A. 100%  B. 30%

10. Construction Work:	Construct pipelines and facilities to convert participants to surface water and delivery well water OTR to Snake River Farms.			
A. Conversions to Surface Water	Convert landowners from ground to surface water irrigation.	District working with landowners and contractors to coordinate construction work. Don's Irrigation commenced construction 4-8-09.	4-10-09 start 5-8-09 complete	75%
B. OTR Pipeline	Construct pipeline to delivery water OTR to Snake River Farms	Upon completion of conceptual design general work contacts to be secured to expedite work. OTR construction on hold as of 4/20/09 due to ongoing negotiations with Clear Springs on mitigation options and stay. See CS motion for partial stay.	4-30-09 start partial stay requested, completion date dependent on outcome	0%
C. Back-up Power (FF36)	Construct back-up power supplies.	Generator to be installed to supply wells 2 and 3. Bids being obtained.	" "	0%
D. Measuring/Monitoring Devices	Install water measurement and monitoring devices at each well and SRF delivery point.	Bids being obtained for measuring devices and aeration system to boost oxygen and address any nitrogen issues.	"	0%
E. Clear Springs Connection (FF29)	Connect OTR pipeline to Snake River Farms raceway or intake.	Awaiting Clear Springs' designation of point of delivery. Coordination efforts to be undertaken.	"	0%
11. Pre-Delivery Testing and Monitoring (CL7)	Test and monitor production wells and pipeline prior to connecting OTR system to Clear Springs facility		5-25-09 start 6-1-09 complete	0%
12. Unforeseen Delays (FF39)	Report unforeseen delays		See 10 above.	

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY  
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LOUIS F. RACINE (1917-2008)  
WILLIAM D. OLSON, OF COUNSEL

May 7, 2009

David R. Tuthill, Jr., Director  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098

Re: *Week 6 Progress Report - 2009 Mitigation Plan for Clear Springs*

Dear Director Tuthill:

Attached please find the Sixth Weekly Progress Report we are submitting on behalf of North Snake Ground Water District and Magic Valley Ground Water District in compliance with your March 26, 2009 *Order Approving Ground Water Districts' Replacement Water Plan for 2009*, Finding of Fact 39. A courtesy copy is being provided to Clear Springs attorney, John Simpson. Please advise if it is desired that other parties be served with Weekly Progress Reports.

On Monday, May 4, 2009, a status conference was held on Clear Springs' *Motion for Partial Stay of Implementation of Director's March 26, 2009 Order Approving Ground Water Districts' Replacement Water Plan for 2009*. The Ground Water Districts are awaiting a decision from that status conference before continuing with construction on the over-the-rim portion of the Third Mitigation Plan.

Please contact me if you have any questions or comments.

Sincerely,



CANDICE M. MCHUGH

CMM:kh

Enclosures

cc: Brian Patton, IDWR (w/encl.)  
John Simpson (w/encl.)  
North Snake Ground Water District  
Magic Valley Ground Water District

WEEKLY PROGRESS REPORT:  
**2009 MITIGATION PLAN FOR CLEAR SPRINGS**  
**(Conversions and Over-the-Rim Pipeline)**

TO: David R. Tuthill, Jr., IDWR Director  
 FROM: North Snake and Magic Valley Ground Water Districts  
 RE: Compliance with March 26, 2009 Order  
 DATE: Week 6 - May 7, 2009

Matter	Description	Status	Target Dates	Percent Completed
1. Conversion Water Supply	Conversion water will be supplied by existing IGWA storage water leases identified in Plan.	Individual lease source to be identified prior to commencement of delivery	6-1-09	95%
2. Water Supply Bank (FF 35)	IDWR Form App. To Lease Water to the State Water Supply Bank to be submitted for all water rights to be used for the OTR delivery. Districts will rent this water from the Water Supply Bank to permit delivery to Clear Springs per Plan.	Applications to Lease and Rent being prepared for all water rights. Adequate is water available.	4-30-09 filing date	30%
3. Conveyance Agreement	Conveyance Agreement to be entered into between North Side Canal Company (NSCC) and Districts to provide for the delivery of leased water through canal system to conversion acres.	Final Conveyance Agreements executed 4/23/09 and . NSCC to deliver water to conversions.	4-15-09	100%
4. Pipeline Easements	Pipeline Easements required for OTR pipeline and from conversion participants.	OTR Landowner L&M Corp. contacted and provided verbal commitment for Easement Agreement. Draft Pipeline Easement Agreement provided to L&M 3-18-09; revision sent 4-16-09. (Easements for conversion participants included in Lease and Conversion Agreements, No. 5 below).	4-30-09	25%

5. Lease and Conversion Agreements	Lease and Conversion Agreements to be entered into with Land/Water Right Owners providing for the long-term lease of water rights and conversion from ground to surface water.	Verbal commitments previously received from each participating owner. Draft Lease and Conversion Agreement provided to participating Land/Water Right Owners 3/25-4/1/09. Proposed Agreement approved by owners and in process of signatures.	4-15-09	75%
6. Bond (FF38, CL5)	Post bond equal to the cost of construction of the project, estimated at \$500,000.	Districts' insurer contacted, cost estimate obtained with bond application being processed. Each contractor will also be required to provide performance bond. GWD to IWRB on 4/30/09 for \$500,000 loan to complete project..	5-1-09	25%
7. Project Engineering & Design	Licensed engineers to be employed to prepare conceptual design/engineering and oversee OTR pipeline construction works.  Districts to coordinate conversion work w/landowners and contractors	AMEC (C. Brendecke) and SPF (B. Hargrove/T. Scanlan) employed to prepare conceptual design/engineering as necessary to expedite bidding, construction contracts and work commencement.  Districts coordinating conversion design/plans w/landowners.  This work began 3-26-09.	Ongoing	55%
8. System Operating Plan (CL6)	System Operating Plan to be developed and submitted to IDWR.	Engineers to prepare System Operating Plan	Temporarily on hold pending outcome on Motion for Partial Stay. See 10 below.	80%
9. Construction Contracts:  A. Conversions  B. OTR Pipeline	A. Conversions: Construction Contract to be let for conversion work.  B. OTR Pipeline: Construction Contract to be entered into for OTR pipeline and related work.	A. Contract entered into with Don's Irrigation for all conversion work.  B. Contract to be secured after engineering/design completed. Bids obtained for boring and under review.	A. 4-10-09 to commence construction 5-1-09 completion  B. 4-30-09 to commence construction	A. 100%  B. 30%

10. Construction Work:	Construct pipelines and facilities to convert participants to surface water and delivery well water OTR to Snake River Farms.			
A. Conversions to Surface Water	Convert landowners from ground to surface water irrigation.	District working with landowners and contractors to coordinate construction work. Don's Irrigation commenced construction 4-8-09.	4-10-09 start 5-8-09 complete	80%
B. OTR Pipeline	Construct pipeline to delivery water OTR to Snake River Farms	Upon completion of conceptual design general work contacts to be secured to expedite work. OTR construction on hold as of 4/20/09 due to ongoing negotiations with Clear Springs on mitigation options and stay. See CS motion for partial stay.	Clear Springs partial stay requested, completion date dependent on outcome	0%
C. Back-up Power (FF36)	Construct back-up power supplies.	Generator to be installed to supply wells 2 and 3. Bids being obtained.	" "	0%
D. Measuring/Monitoring Devices	Install water measurement and monitoring devises at each well and SRF delivery point.	Bids being obtained for measuring devises and aeration system to boost oxygen and address any nitrogen issues.	"	0%
E. Clear Springs Connection (FF29)	Connect OTR pipeline to Snake River Farms raceway or intake.	Awaiting Clear Springs' designation of point of delivery. Coordination efforts to be undertaken.	"	0%
11. Pre-Delivery Testing and Monitoring (CL7)	Test and monitor production wells and pipeline prior to connecting OTR system to Clear Springs facility		5-25-09 start 6-1-09 complete	0%
12. Unforeseen Delays (FF39)	Report unforeseen delays		See 10 above.	

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LOUIS F. RACINE (1917-2005)  
WILLIAM D. OLSON, OF COUNSEL

May 14, 2009

David R. Tuthill, Jr., Director  
Idaho Department of Water Resources  
P.O. box 83720  
Boise, Idaho 83720-0098

Re: *Week 7 Progress Report - 2009 Mitigation Plan for Clear Springs*

Dear Director Tuthill:

Attached please find the Seventh Weekly Progress Report we are submitting on behalf of North Snake Ground Water District and Magic Valley Ground Water District in compliance with your March 26, 2009 *Order Approving Ground Water Districts' Replacement Water Plan for 2009*, Finding of Fact 39. A courtesy copy is being provided to Clear Springs' attorney, John Simpson. Please advise if it is desired that other parties be served with Weekly Progress Reports.

Sincerely,

  
RANDALL C. BUDGE

RCB:rr  
Attachment  
cc: John Simpson (w/attachment)

**WEEKLY PROGRESS REPORT:**  
**2009 MITIGATION PLAN FOR CLEAR SPRINGS**  
**(Conversions and Over-the-Rim Pipeline)**

TO: David R. Tuthill, Jr., IDWR Director  
 FROM: North Snake and Magic Valley Ground Water Districts  
 RE: Compliance with March 26, 2009 Order  
 DATE: Week 7 - May 14, 2009

Matter	Description	Status	Target Dates	Percent Completed
1. Conversion Water Supply	Conversion water will be supplied by existing IGWA storage water leases identified in Plan.	Individual lease source to be identified prior to commencement of delivery	6-1-09	95%
2. Water Supply Bank (FF 35)	IDWR Form App. To Lease Water to the State Water Supply Bank to be submitted for all water rights to be used for the OTR delivery. Districts will rent this water from the Water Supply Bank to permit delivery to Clear Springs per Plan.	Applications to Lease and Rent being prepared for all water rights. Adequate is water available.	6-1-09 filing date	50%
3. Conveyance Agreement	Conveyance Agreement to be entered into between North Side Canal Company (NSCC) and Districts to provide for the delivery of leased water through canal system to conversion acres.	Final Conveyance Agreement executed 4/23/09 with NSCC to deliver water to conversions.	4-15-09 start 4-23-09 completed	100%
4. Pipeline Easements	Pipeline Easements required for OTR pipeline and from conversion participants.	OTR Landowner L&M Corp. contacted and provided verbal commitment for Easement Agreement. Draft Pipeline Easement Agreement provided to L&M 3-18-09; revision sent 4-16-09. (Easements for conversion participants included in Lease and Conversion Agreements, No. 5 below).	4-30-09	25%

5. Lease and Conversion Agreements	Lease and Conversion Agreements to be entered into with Land/Water Right Owners providing for the long-term lease of water rights and conversion from ground to surface water.	Lease and Conversion Agreements approved by owners and in process of signatures.	4-15-09	90%
6. Bond (FF38, CL5)	Post bond equal to the cost of construction of the project, estimated at \$500,000.	Districts' insurer contacted, cost estimate obtained with bond application being processed. Each contractor will also be required to provide performance bond. GWD to IWRB on 4/30/09 for \$500,000 loan to complete project.  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery	5-1-09  On Hold 4-8-09	25%
7. Project Engineering & Design	Licensed engineers to be employed to prepare conceptual design/engineering and oversee OTR pipeline construction works.  Districts to coordinate conversion work w/landowners and contractors	AMEC (C. Brendecke) and SPF (B. Hargrove/T. Scanlan) employed to prepare conceptual design/engineering as necessary to expedite bidding, construction contracts and work commencement.  Districts coordinating conversion design/plans w/landowners.  This work began 3-26-09.  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery	  On Hold 4-08-09	55%
8. System Operating Plan (CL6)	System Operating Plan to be developed and submitted to IDWR.	Engineers to prepare System Operating Plan  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery	On hold 4-8-09	80%
9. Construction Contracts: A. Conversions	A. Conversions: Construction Contract to be let for conversion work.	A. Contract entered into with Don's Irrigation for all conversion work.	A. 4-10-09 start 5-1-09 complete	A. 100%

B. OTR Pipeline	B. OTR Pipeline: Construction Contract to be entered into for OTR pipeline and related work.	B. Contract to be secured after engineering/design completed. Bids obtained for boring and under review.  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery	B. 4-30-09 to commence construction  On hold 4-8-09	B. 30%
10. Construction Work:  A. Conversions to Surface Water  B. OTR Pipeline  C. Back-up Power (FF36)  D. Measuring/Monitoring Devices  E. Clear Springs Connection (FF29)	Construct pipelines and facilities to convert participants to surface water and delivery well water OTR to Snake River Farms.  Convert landowners from ground to surface water irrigation.  Construct pipeline to delivery water OTR to Snake River Farms  Construct back-up power supplies.  Install water measurement and monitoring devises at each well and SRF delivery point.  Connect OTR pipeline to Snake River Farms raceway or intake.	Don's Irrigation commenced construction 4-8-09. Ground work nearing completion and waiting on Idaho Power to complete electrical.  Upon completion of conceptual design general work contacts to be secured to expedite work.  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery  Generator to be installed to supply wells 2 and 3. Bids being obtained.  Bids being obtained for measuring devises and aeration system to boost oxygen and address any nitrogen issues.  Awaiting Clear Springs' designation of point of delivery. Coordination efforts to be undertaken.	4-8-09 start 5-20-09 complete    On hold 4-8-09  On hold 4-8-09  On hold 4-8-09  On hold 4-8-09	90%  0%  0%  0%

11. Pre-Delivery Testing and Monitoring (CL7)	Test and monitor production wells and pipeline prior to connecting OTR system to Clear Springs facility	"On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery	5-25-09 start 6-1-09 complete On hold 4-8-09	0%
12. Unforeseen Delays (FF39)	Report unforeseen delays	"On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR Delivery	See 10 above.	

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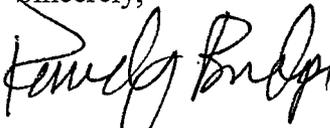
May 21, 2009

David R. Tuthill, Jr., Director  
Idaho Department of Water Resources  
P.O. box 83720  
Boise, Idaho 83720-0098

Re: *Week 8 Progress Report - 2009 Mitigation Plan for Clear Springs*

Dear Director Tuthill:

Attached please find the Eighth Weekly Progress Report we are submitting on behalf of North Snake Ground Water District and Magic Valley Ground Water District in compliance with your March 26, 2009 *Order Approving Ground Water Districts' Replacement Water Plan for 2009*, Finding of Fact 39. A courtesy copy is being provided to Clear Springs' attorney, John Simpson. Please advise if it is desired that other parties be served with Weekly Progress Reports.

Sincerely,  
  
RANDALL C. BUDGE

RCB:rr  
Attachment  
cc: John Simpson (w/attachment)

**WEEKLY PROGRESS REPORT:**  
**2009 MITIGATION PLAN FOR CLEAR SPRINGS**  
**(Conversions and Over-the-Rim Pipeline)**

TO: David R. Tuthill, Jr., IDWR Director  
 FROM: North Snake and Magic Valley Ground Water Districts  
 RE: Compliance with March 26, 2009 Order  
 DATE: Week 8 - May 21, 2009

Matter	Description	Status	Target Dates	Percent Completed
1. Conversion Water Supply	Conversion water will be supplied by existing IGWA storage water leases identified in Plan.	Private Lease Agreements have been entered into to supply all conversion water requirements.	6-1-09	100%
2. Water Supply Bank (FF 35)	IDWR Form App. To Lease Water to the State Water Supply Bank to be submitted for all water rights to be used for the OTR delivery and conversions.	Applications to Lease and Rent being prepared to submit to Water Supply Bank for all leased storage water.	6-1-09 filing date	50%
3. Conveyance Agreement	Conveyance Agreement to be entered into between North Side Canal Company (NSCC) and Districts to provide for the delivery of leased water through canal system to conversion acres.	Final Conveyance Agreement executed 4/23/09 with NSCC to deliver water to conversions.	4-15-09 start 4-23-09 completed	100%
4. Pipeline Easements	Pipeline Easements required for OTR pipeline and for conversion participants.	OTR Landowner L&M Corp. contacted and provided verbal commitment for Easement Agreement. Draft Pipeline Easement Agreement provided to L&M 3-18-09; revision sent 4-16-09.  Easements for conversion participants included in Lease and Conversion Agreements, No. 5 below.	4-30-09  On hold 4-8-09	100% for conversions

5. Lease and Conversion Agreements	Lease and Conversion Agreements to be entered into with Land/Water Right Owners providing for the long-term lease of water rights and conversion from ground to surface water.	Lease and Conversion Agreements approved by owners and in process of signatures.	4-15-09	95%
6. Bond (FF38, CL5)	Post bond equal to the cost of construction of the project, estimated at \$500,000.	Districts' insurer contacted, cost estimate obtained with bond application being processed. Each contractor will also be required to provide performance bond. GWD to IWRB on 4/30/09 for \$500,000 loan to complete project.  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery. Stay Order issued 5-15-09.	5-1-09  On Hold 4-8-09	
7. Project Engineering & Design	Licensed engineers to be employed to prepare conceptual design/engineering and oversee OTR pipeline construction works.  Districts to coordinate conversion work w/landowners and contractors	AMEC (C. Brendecke) and SPF (B. Hargrove/T. Scanlan) employed to prepare conceptual design/engineering as necessary to expedite bidding, construction contracts and work commencement.  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery; Partial Stay Order issued 5-15-09  Districts coordinating conversion design/plans w/landowners.	On Hold 4-08-09  Began 3-26-09. Completed 5-1-09	55%  100%
8. System Operating Plan (CL6)	System Operating Plan to be developed and submitted to IDWR.	Engineers to prepare System Operating Plan  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay	On hold 4-8-09	80%

		Order re: OTR delivery. Partial Stay Order issued 5-15-09		
9. Construction Contracts:				
A. Conversions	A. Conversions: Construction Contract to be let for conversion work.	A. Contract entered into with Don's Irrigation for all conversion work.	A. 4-10-09 start 5-1-09 complete	A. 100%
B. OTR Pipeline	B. OTR Pipeline: Construction Contract to be entered into for OTR pipeline and related work.	B. Contract to be secured after engineering/design completed. Bids obtained for boring and under review.  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery; Partial Stay Order issued 5-15-09	B. 4-30-09 to commence construction  On hold 4-8-09	B. 30%
10. Construction Work:	Construct pipelines and facilities to convert participants to surface water and delivery well water OTR to Snake River Farms.			
A. Conversions to Surface Water	Convert landowners from ground to surface water irrigation.	Construction commenced 4-8-09. Ground work completed for Heida and Box Canyon, nearing completion for Van Dyke. Idaho Power electrical work in progress.	4-8-09 start 5-27-09 complete	95%
B. OTR Pipeline	Construct pipeline to delivery water OTR to Snake River Farms	Upon completion of conceptual design general work contacts to be secured to expedite work.  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery. Partial Stay Order issued 5-15-09	On hold 4-8-09	
C. Back-up Power (FF36)	Construct back-up power supplies.	Generator to be installed to supply wells 2 and 3. Bids being obtained.	On hold 4-8-09	

<p>D. Measuring/Monitoring Devices</p> <p>E. Clear Springs Connection (FF29)</p>	<p>Install water measurement and monitoring devises at each well and SRF delivery point.</p> <p>Connect OTR pipeline to Snake River Farms raceway or intake.</p>	<p>Bids being obtained for measuring devises and aeration system to boost oxygen and address any nitrogen issues.</p> <p>Awaiting Clear Springs' designation of point of delivery. Coordination efforts to be undertaken.</p> <p>"On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery. Partial Stay Order issued 5-15-09</p>	<p>On hold 4-8-09</p> <p>On hold 4-8-09</p>	
<p>11. Pre-Delivery Testing and Monitoring (CL7)</p>	<p>Test and monitor production wells and pipeline prior to connecting OTR system to Clear Springs facility</p>	<p>"On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery. Partial Stay Order issued 5-15-09</p>	<p>On hold 4-8-09</p>	
<p>12. Unforeseen Delays (FF39)</p>	<p>Report unforeseen delays</p>	<p>"On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR Delivery. Partial Stay Order issued 5-15-09</p>	<p>None, other than Partial Stay Order.</p>	

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LOUIS F. RACINE (1917-2005)  
WILLIAM D. OLSON, OF COUNSEL

May 28, 2009

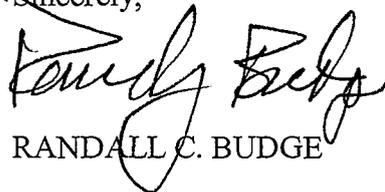
David R. Tuthill, Jr., Director  
Idaho Department of Water Resources  
P.O. box 83720  
Boise, Idaho 83720-0098

Re: *Week 9 Progress Report - 2009 Mitigation Plan for Clear Springs*

Dear Director Tuthill:

Attached please find the Ninth Weekly Progress Report we are submitting on behalf of North Snake Ground Water District and Magic Valley Ground Water District in compliance with your March 26, 2009 *Order Approving Ground Water Districts' Replacement Water Plan for 2009*, Finding of Fact 39. A courtesy copy is being provided to Clear Springs' attorney, John Simpson. Please advise if it is desired that other parties be served with Weekly Progress Reports.

Sincerely,

  
RANDALL C. BUDGE

RCB:rr  
Attachment  
cc: John Simpson (w/attachment)

**WEEKLY PROGRESS REPORT:**  
**2009 MITIGATION PLAN FOR CLEAR SPRINGS**  
**(Conversions and Over-the-Rim Pipeline)**

TO: David R. Tuthill, Jr., IDWR Director  
 FROM: North Snake and Magic Valley Ground Water Districts  
 RE: Compliance with March 26, 2009 Order  
 DATE: Week 9 - May 28, 2009

Matter	Description	Status	Target Dates	Percent Completed
1. Conversion Water Supply	Conversion water will be supplied by existing IGWA storage water leases identified in Plan.	Private Lease Agreements have been entered into to supply all conversion water requirements.	6-1-09	100%
2. Water Supply Bank (FF 35)	IDWR Form App. To Lease Water to the State Water Supply Bank to be submitted for all water rights to be used for the OTR delivery and conversions.	Applications to Lease and Rent being prepared to submit to Water Supply Bank for all leased storage water.	6-1-09 filing date	50%
3. Conveyance Agreement	Conveyance Agreement to be entered into between North Side Canal Company (NSCC) and Districts to provide for the delivery of leased water through canal system to conversion acres.	Final Conveyance Agreement executed 4/23/09 with NSCC to deliver water to conversions.	4-15-09 start 4-23-09 completed	100%
4. Pipeline Easements	Pipeline Easements required for OTR pipeline and for conversion participants.	OTR Landowner L&M Corp. contacted and provided verbal commitment for Easement Agreement. Draft Pipeline Easement Agreement provided to L&M 3-18-09; revision sent 4-16-09.  Easements for conversion participants included in Lease and Conversion Agreements, No. 5 below.	4-30-09  On hold 4-8-09	100% for conversions

5. Lease and Conversion Agreements	Lease and Conversion Agreements to be entered into with Land/Water Right Owners providing for the long-term lease of water rights and conversion from ground to surface water.	Lease and Conversion Agreements approved by owners and in process of signatures.	4-15-09	95%
6. Bond (FF38, CL5)	Post bond equal to the cost of construction of the project, estimated at \$500,000.	Districts' insurer contacted, cost estimate obtained with bond application being processed. Each contractor will also be required to provide performance bond. GWD to IWRB on 4/30/09 for \$500,000 loan to complete project.  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery. Stay Order issued 5-15-09.	5-1-09  On Hold 4-8-09	
7. Project Engineering & Design	Licensed engineers to be employed to prepare conceptual design/engineering and oversee OTR pipeline construction works.  Districts to coordinate conversion work w/landowners and contractors	AMEC (C. Brendecke) and SPF (B. Hargrove/T. Scanlan) employed to prepare conceptual design/engineering as necessary to expedite bidding, construction contracts and work commencement.  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery; Partial Stay Order issued 5-15-09  Districts coordinating conversion design/plans w/landowners.	On Hold 4-08-09  Began 3-26-09. Completed 5-1-09	55%  100%
8. System Operating Plan (CL6)	System Operating Plan to be developed and submitted to IDWR.	Engineers to prepare System Operating Plan  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay	On hold 4-8-09	80%

		Order re: OTR delivery. Partial Stay Order issued 5-15-09		
9. Construction Contracts:				
A. Conversions	A. Conversions: Construction Contract to be let for conversion work.	A. Contract entered into with Don's Irrigation for all conversion work.	A. 4-10-09 start 5-1-09 complete	A. 100%
B. OTR Pipeline	B. OTR Pipeline: Construction Contract to be entered into for OTR pipeline and related work.	B. Contract to be secured after engineering/design completed. Bids obtained for boring and under review.  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery; Partial Stay Order issued 5-15-09	B. 4-30-09 to commence construction  On hold 4-8-09	B. 30%
10. Construction Work:	Construct pipelines and facilities to convert participants to surface water and delivery well water OTR to Snake River Farms.			
A. Conversions to Surface Water	Convert landowners from ground to surface water irrigation.	Construction commenced 4-8-09. Ground work completed for Heida and Box Canyon, nearing completion for Van Dyke. Idaho Power electrical work completed.	4-8-09 start 5-27-09 complete	100%
B. OTR Pipeline	Construct pipeline to delivery water OTR to Snake River Farms	Upon completion of conceptual design general work contacts to be secured to expedite work.  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery. Partial Stay Order issued 5-15-09	On hold 4-8-09	
C. Back-up Power (FF36)	Construct back-up power supplies.	Generator to be installed to supply wells 2 and 3. Bids being obtained.	On hold 4-8-09	



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WILLIAM D. OLSON, OF COUNSEL

June 3, 2009

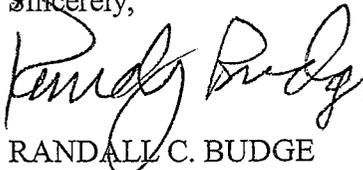
David R. Tuthill, Jr., Director  
Idaho Department of Water Resources  
P.O. box 83720  
Boise, Idaho 83720-0098

Re: *Week 10 Progress Report - 2009 Mitigation Plan for Clear Springs*

Dear Director Tuthill:

Attached please find the Tenth and Final Weekly Progress Report we are submitting on behalf of North Snake Ground Water District and Magic Valley Ground Water District in compliance with your March 26, 2009 *Order Approving Ground Water Districts' Replacement Water Plan for 2009*, Finding of Fact 39. A courtesy copy is being provided to Clear Springs' attorney, John Simpson. Please advise if it is desired that other parties be served with Weekly Progress Reports.

Sincerely,

  
RANDALL C. BUDGE

RCB:rr

Attachment

cc: John Simpson (w/attachment)

**WEEKLY PROGRESS REPORT:**  
**2009 MITIGATION PLAN FOR CLEAR SPRINGS**  
**(Conversions and Over-the-Rim Pipeline)**

TO: David R. Tuthill, Jr., IDWR Director  
 FROM: North Snake and Magic Valley Ground Water Districts  
 RE: Compliance with March 26, 2009 Order  
 DATE: Week 10 - June 4, 2009 (FINAL REPORT)

Matter	Description	Status	Target Dates	Percent Completed
1. Conversion Water Supply	Conversion water will be supplied by existing IGWA storage water leases identified in Plan.	Private Lease Agreements have been entered into to supply all conversion water requirements.	6-1-09	100%
2. Water Supply Bank (FF 35)	IDWR Form App. To Lease Water to the State Water Supply Bank to be submitted for all water rights to be used for the OTR delivery and conversions.	Applications to Lease and Rent to submit to Water Supply Bank previously submitted for WD 120 will continue this year and be updated for 2009 for this plan.	6-15-09 for updated quantities	95%
3. Conveyance Agreement	Conveyance Agreement to be entered into between North Side Canal Company (NSCC) and Districts to provide for the delivery of leased water through canal system to conversion acres.	Final Conveyance Agreement executed 4/23/09 with NSCC to deliver water to conversions.	4-15-09 start 4-23-09 completed	100%
4. Pipeline Easements	Pipeline Easements required for OTR pipeline and for conversion participants.	OTR Landowner L&M Corp. contacted and provided verbal commitment for Easement Agreement. Draft Pipeline Easement Agreement provided to L&M 3-18-09; revision sent 4-16-09.  Easements for conversion participants included in Lease and Conversion Agreements, No. 5 below.	4-30-09  On hold 4-8-09	100% for conversions

5. Lease and Conversion Agreements	Lease and Conversion Agreements to be entered into with Land/Water Right Owners providing for the long-term lease of water rights and conversion from ground to surface water.	Lease and Conversion Agreements signed by Landowners Heida, Box Canyon Dairy and VanDyke.	4-15-09	100%
6. Bond (FF38, CL5)	Post bond equal to the cost of construction of the project, estimated at \$500,000.	Districts' insurer contacted, cost estimate obtained with bond application being processed. Each contractor will also be required to provide performance bond. GWD to IWRB on 4/30/09 for \$500,000 loan to complete project.  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery. Stay Order issued 5-15-09.	5-1-09  On Hold 4-8-09	
7. Project Engineering & Design	Licensed engineers to be employed to prepare conceptual design/engineering and oversee OTR pipeline construction works.  Districts to coordinate conversion work w/landowners and contractors	AMEC (C. Brendecke) and SPF (B. Hargrove/T. Scanlan) employed to prepare conceptual design/engineering as necessary to expedite bidding, construction contracts and work commencement.  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery; Partial Stay Order issued 5-15-09  Districts coordinating conversion design/plans w/landowners.	On Hold 4-08-09  Began 3-26-09. Completed 5-1-09	55%  100%
8. System Operating Plan (CL6)	System Operating Plan to be developed and submitted to IDWR.	Engineers to prepare System Operating Plan  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay	On hold 4-8-09	80%

		Order re: OTR delivery. Partial Stay Order issued 5-15-09		
9. Construction Contracts:				
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B. OTR Pipeline	Construct pipeline to delivery water OTR to Snake River Farms	Upon completion of conceptual design general work contacts to be secured to expedite work.  "On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery. Partial Stay Order issued 5-15-09	On hold 4-8-09	
C. Back-up Power (FF36)	Construct back-up power supplies.	Generator to be installed to supply wells 2 and 3. Bids	On hold 4-8-09	

<p>D. Measuring/Monitoring Devices</p> <p>E. Clear Springs Connection (FF29)</p>	<p>Install water measurement and monitoring devices at each well and SRF delivery point.</p> <p>Connect OTR pipeline to Snake River Farms raceway or intake.</p>	<p>being obtained.</p> <p>Bids being obtained for measuring devices and aeration system to boost oxygen and address any nitrogen issues.</p> <p>Awaiting Clear Springs' designation of point of delivery. Coordination efforts to be undertaken.</p> <p>"On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery. Partial Stay Order issued 5-15-09</p>	<p>On hold 4-8-09</p> <p>On hold 4-8-09</p>	
<p>11. Pre-Delivery Testing and Monitoring (CL7)</p>	<p>Test and monitor production wells and pipeline prior to connecting OTR system to Clear Springs facility</p>	<p>"On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR delivery. Partial Stay Order issued 5-15-09</p>	<p>On hold 4-8-09</p>	
<p>12. Unforeseen Delays (FF39)</p>	<p>Report unforeseen delays</p>	<p>"On-Hold" since 4-8-09 per R. MacMillan and pending SRF Motion for Partial Stay Order re: OTR Delivery. Partial Stay Order issued 5-15-09</p>	<p>None, other than Partial Stay Order.</p>	