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Attorneys for Clear Springs Foods, Inc.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

NORTH SNAKE GROUND WATER DISTRICT, and **MAGIC VALLEY GROUND WATER DISTRICT,** Petitioner, 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.**	**CASE NO. CV 2009-431** **SECOND AFFIDAVIT OF TRAVIS L. THOMPSON**
IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHTS NOS. 36-0413A, 36-04013B, AND 36-07148. **(Clear Springs Delivery Call)**	

STATE OF IDAHO)
) ss.
County of Twin Falls)

TRAVIS L. THOMPSON, being duly sworn upon oath, deposes and states as follows:

1. I am one of the attorneys of record representing Clear Springs Foods, Inc. in this matter and the following is based upon my personal knowledge.

2. Attached hereto as **Exhibit A** is a true and correct copy of water delivery records for the Districts' conversion acres in 2009. I copied the description of the columns from page one onto page two as well. The information was provided to me by Tim Luke at the Idaho Department of Water Resources. The record identifies those District members that received surface water through the North Side Canal Company canal system in 2009 and shows that a total of 17,833.1 acre-feet was delivered.

3. Attached hereto as **Exhibit B** is a true and correct copy of the *Stipulation and Agreement Regarding Certain Dairy Ground Water Use* entered into between IDWR, the Idaho Dairymen's Association, and Clear Springs on January 11, 2008. Attached to the Stipulation as Exhibit A is a copy of the Mitigation Agreement entered into between IDA, Clear Springs, and others (without exhibits).

4. Attached hereto as **Exhibit C** is a true and correct copy of excerpts of the Hearing Officer's *Responses to Petitions for Reconsideration and Clarification and Dairymens' Stipulated Agreement* entered in the Spring Users' delivery call proceeding on February 29, 2008.

5. Attached hereto as **Exhibit D** is a true and correct copy of excerpts of the Director's *Final Order Regarding Blue Lakes and Clear Springs Delivery Calls* entered in the Spring Users' delivery all proceeding on July 11, 2008.

6. Attached hereto as **Exhibit E** is a true and correct copy of records in the Idaho Department of Water Resources' file for water right permit #37-7372. The documents identify the "Water Rights Sublease Agreement" entered into between Sawtooth Sheep Co. and IGWA and the fact that surface water delivered through NSCC in 2009 was for mitigation of the new ground water permit, not a conversion project on behalf of the Ground Water Districts.

7. Attached hereto as **Exhibit F** is a true and correct copy of a January 25, 2010 email from counsel for the Ground Water Districts, Candice McHugh, with the attached *Water Rights Sublease Agreement* entered into between IGWA and Sawtooth Sheep Co.

8. Attached hereto as **Exhibit G** are true and correct copies of the *Water Rights Lease and Conversion Agreements* referenced as the "920 acres for OTR conversion acres" in the January 25, 2010 email from Candice McHugh.

Dated this 27th day of January, 2010.

Travis L. Thompson

SUBSCRIBED & SWORN to before me this 27th day of January, 2010.

JESSICA NIELSEN NOTARY PUBLIC STATE OF IDAHO

Notary Public in and for the State of Idaho
My Commission Expires: 4/3/12

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of January, 2010, I served true and correct copies of the *Second Affidavit of Travis L. Thompson* upon the following by the method indicated:

Deputy Clerk Gooding County District Court 624 Main St. P.O. Box 27 Gooding, ID 83330	✓ U.S. Mail, Postage Prepaid ___ Hand Delivery ___ Overnight Mail ___ Facsimile ___ Email
Courtesy Copy to Judge's Chambers: Snake River Basin Adjudication 253 3rd Ave. N. P.O. Box 2707 Twin Falls, ID 83303-2707	___ U.S. Mail, Postage Prepaid ✓ Hand Delivery ___ Overnight Mail ___ Facsimile ___ Email
Phillip J. Rassier Chris Bromley Deputy Attorneys General Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 phil.rassier@idwr.idaho.gov chris.bromley@idwr.idaho.gov	___ U.S. Mail, Postage Prepaid ___ Hand Delivery ___ Overnight Mail ___ Facsimile ✓ Email
Randy Budge Candice M. McHugh **RACINE OLSON** P.O. Box 1391 Pocatello, Idaho 83204-1391 rcb@racinelaw.net cmm@racinelaw.net	___ U.S. Mail, Postage Prepaid ___ Hand Delivery ___ Overnight Mail ___ Facsimile ✓ Email
Mike Creamer Jeff Fereday **GIVENS PURSLEY** P.O. Box 2720 Boise, Idaho 83701-2720 jcf@givenspursley.com mcc@givenspursley.com	___ U.S. Mail, Postage Prepaid ___ Hand Delivery ___ Overnight Mail ___ Facsimile ✓ Email

Travis L. Thompson