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Attorneys for Blue Lakes Trout Farm, Inc.

Attorneys for Clear Springs Foods, Inc.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

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

CLEAR SPRINGS FOODS, INC.,)	
)	
Petitioner/Respondent/Cross-Appellant,)	CASE NO. CV-2008-444
)	
vs.)	
)	
BLUE LAKES TROUT FARM, INC.,)	NOTICE OF CROSS-
)	APPEAL
Cross-Petitioner/Respondent/Cross-Appellant,)	
)	
vs.)	
)	
IDAHO GROUND WATER APPROPRIATORS, INC.,)	
NORTH SNAKE GROUND WATER DISTRICT, and)	
MAGIC VALLEY GROUND WATER DISTRICT,)	
)	
Cross-Petitioners/Appellants/Cross-Respondents)	
)	
vs.)	
)	
IDAHO DAIRYMEN'S ASSOCIATION, INC.,)	
)	
Cross-Petitioner/Respondent/Cross-Respondent,)	
)	
vs.)	
)	

RANGEN, INC.,)
Cross-Petitioner/respondent/Cross-Respondent,)
vs.)

GARY SPACKMAN, in his capacity as Director of the)
Idaho Department of Water Resources; and the IDAHO)
DEPARTMENT OF WATER RESOURCES,)
Respondents/Respondents/Cross-Respondents)

IN THE MATTER OF DISTRIBUTION OF WATER TO)
WATER RIGHT NOS. 36-02356A, 36-07210, and)
36-07427)

(Blue Lakes Delivery Call))

IN THE MATTER OF DISTRIBUTION OF WATER TO)
WATER RIGHT NOS. 36-04013A, 36-04013B, and)
36-07148)

(Clear Springs Delivery Call))

TO: THE ABOVE NAMED CROSS-RESPONDENTS, IDAHO GROUND WATER APPROPRIATORS, INC., NORTH SNAKE GROUND WATER DISTRICT, MAGIC VALLEY GROUND WATER DISTRICT, IDAHO DAIRYMEN'S ASSOCIATION, INC., RANGEN, INC., GARY SPACKMAN, IN HIS CAPACITY AS DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES, AND THE IDAHO DEPARTMENT OF WATER RESOURCES; AND THE PARTIES' ATTORNEYS OF RECORD AS IDENTIFIED ON THE CERTIFICATE OF SERVICE BELOW; AND THE CLERK OF THE ABOVE ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above-named Cross-Appellants, CLEAR SPRINGS FOODS, INC. and BLUE LAKES TROUT FARM, INC., cross-appeal against the above named cross-respondents to the Idaho Supreme Court from the District Court's final *Order on Petition for Rehearing*, entered in

the above entitled action on December 4, 2009, Honorable District Judge John M. Melanson, presiding.

2. The Cross-Appellants have a right to cross-appeal to the Idaho Supreme Court, and the *Order on Petition for Rehearing* described in paragraph 1 above is an appealable order under and pursuant to Rule 11(g), Idaho Appellate Rules.

3. Cross-Appellants intend to assert the following issue(s) on appeal:

- a. Whether, as a matter of law, a "plus or minus" uncertainty factor is a nullity for purposes of conjunctive administration, or may instead be applied by the Director to exclude certain junior ground water right holders from administration.
- b. Whether the Director unconstitutionally applied the conjunctive management rules by shifting the burden of proof to injured senior surface water right holders through exclusion of certain junior ground water rights from administration based upon model uncertainty.

4. Cross-Appellants join in Appellants' request that the transcript of the administrative proceedings held before the Idaho Department of Water Resources be made a part of the record on appeal.

5. Cross - Appellants request the following documents to be included in the Clerk's record in addition to those automatically included in the Clerk's record pursuant to I.A.R. 28 :

- a. None.

6. Cross-Appellants join in Appellants' request that all exhibits included in the agency record be copied and sent to the Supreme Court.

7. I certify:

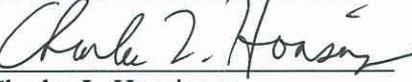
- a. That a copy of this notice of cross-appeal has been served on the reporter.
- b. That the fee required for the preparation of the reporter's transcript was

paid in conjunction with the District Court's review of this matter.

- c. That the estimated fee for preparation of the clerk's record has been paid.
- d. That the cross-appellate filing fee has been paid.
- e. That service has been made upon all parties required to be served pursuant to Rule 20, Idaho Appellate Rules.

Dated this 5th day of February, 2010.

RINGERT LAW CHARTERED

By 

Charles L. Honsinger

Attorneys for Cross-Petitioner/Respondent/
Cross-Appellant Blue Lakes Trout Farm, Inc.

Dated this 5th day of February, 2010.

BARKER, ROSHOLT & SIMPSON, LLP

By 

Travis L. Thompson

Attorneys for Cross-Petitioner/Respondent/
Cross-Appellant Blue Lakes Trout Farm, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of February, 2010, I served a true and correct copy of the foregoing by delivering the same to each of the following individuals by the method indicated below, addressed as follows:

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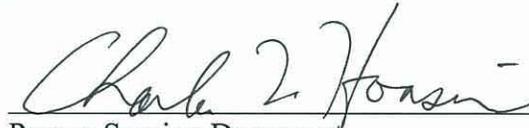
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