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DEPARTMENT OF  
WATER RESOURCES

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Attorneys for Idaho Dairymen's Association

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

IN THE MATTER OF DISTRIBUTION OF  
WATER TO WATER RIGHT NOS.  
36-0413A, 36-04013B AND 36-7148

(Snake River Farm)

IN THE MATTER OF THE MITIGATION  
PLAN OF THE NORTH SNAKE AND  
MAGIC VALLEY GROUND WATER  
DISTRICTS TO PROVIDE REPLACEMENT  
WATER FOR CLEAR SPRINGS SNAKE  
RIVER FARM

(Water District Nos. 130 and 140)

**IDAHO DAIRYMEN'S  
ASSOCIATION'S AMENDED  
PETITION TO INTERVENE**

Idaho Dairyman's Association ("IDA"), by and through its attorneys Givens Pursley LLP, and pursuant to Idaho Department of Water Resources ("Department") Rules of Procedure 350, 351 and 352 hereby files this Amended Petition to Intervene in the above-captioned matter. This Amended Petition amends the caption to properly identify the matter in which IDA wishes to intervene; namely the Department's contested case proceeding concerning the Ground Water Districts' Third Mitigation Plan previously filed with the Department.

The grounds for this Amended Petition are stated below.

## INTERESTS OF IDA AND ITS MEMBERS

1. IDA is an Idaho non-profit corporation, organized to, among other things, promote and represent the interests of its members. IDA's address is: c/o Robert Naerebout, 1182 Eastland Dr. N., Ste. A, Twin Falls, ID 83301.

2. Many of IDA's members' water rights are diverted from wells within the Eastern Snake Plain Aquifer ("ESPA") and subject to conjunctive administration.

## DEPARTMENT INTERVENTION REQUIREMENTS

3. The Department's Rule of Procedure 350 provides that "Persons not applicants or claimants or appellants, petitioners, complainants, protestants, or respondents to a proceeding who claim a direct and substantial interest in the proceeding may petition for an order from the presiding officer granting intervention to become a party, if a formal hearing is required by statute to be held in the proceeding." IDAPA 37.01.01.350.

4. IDA's members have such interests as their ability to continue to divert ground water will be affected by the Department's decision in this matter.

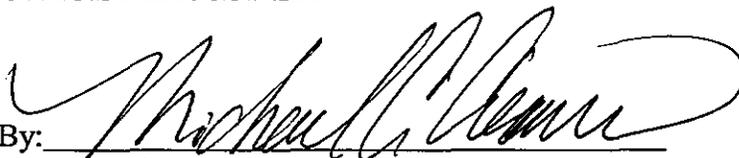
5. IDA's participation as a party will not unduly broaden the issues before the Department.

6. This Amended Petition to Intervene is timely. No hearing previously has been set or held in this matter.

7. IDA petitions for the right to obtain discovery, to call, examine and cross-examine witnesses, and to state further issues as they may appear and otherwise to participate as a full party in all proceedings.

DATED this 22<sup>nd</sup> day of April, 2009.

GIVENS PURSLEY LLP

By: 

Michael C. Creamer  
Attorneys for Idaho Dairymen's Association

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22<sup>nd</sup> day of April, 2009, a true and correct copy of the foregoing was served upon the following individual(s) by the means indicated:

Mr. David R. Tuthill, Director  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-009

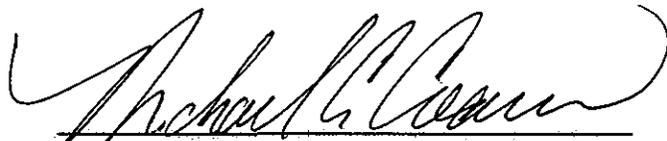
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