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September 9, 2009

VIA EMAIL & U.S. MAIL

Mr. Gary Spackman, Interim Director
Idaho Department of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Ground Water Districts' March 12, 2009 Third Mitigation Plan (Clear Springs - Snake River Farms) / Public Writings Request

Dear Interim Director Spackman:

This firm represents Clear Springs Foods, Inc. ("Clear Springs") in the contested case proceeding before Justice Schroeder regarding the Ground Water Districts' *Third Mitigation Plan* filed March 12, 2009. Regarding this plan and its attempted implementation last spring, it is our understanding that the Ground Water Districts submitted various progress reports and had various communications with IDWR in response to the Director's *Order Approving Ground Water Districts' Replacement Water for 2009*. For example, as part of that March 26, 2009 Order, the Director required the Ground Water Districts to "report weekly progress on the project". Order at 9, FF 39. To the best of our knowledge Clear Springs did not receive all of these "progress reports" and was not party to any communications between IDWR and the Ground Water Districts regarding the same.

Accordingly, Clear Springs, pursuant to Idaho's Public Writings Act (Idaho Code § 9-338 *et seq.*), requests the following information from IDWR related to the above-referenced mitigation plan:

- 1) Copies of all documents, including notes, photographs, electronic communications, and any other documents contained in IDWR's files on the Ground Water Districts' *Third Mitigation Plan*;

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- 2) Copies of all documents related to the "weekly progress reports" submitted by the Ground Water Districts, or their representatives in 2009;
- 3) Copies of any communications or notes of communications between IDWR personnel and the Ground Water Districts, including their representatives regarding the *Third Mitigation Plan*.

Please call me at 733-0700 if you have any questions concerning this request. Thank you for your attention to this matter.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

cc: Hon. Gerald F. Schroeder, Hearing Officer
Randy Budge
Candice McHugh
Phil Rassier
Chris Bromley