

Robert A. Maynard, Bar No. 5537
RMaynard@perkinscoie.com
Erika E. Malmen, Bar No. 6185
EMalmen@perkinscoie.com
Cynthia L. Yee-Wallace, Bar No. 6793
CYeeWallace@perkinscoie.com
PERKINS COIE LLP
1111 West Jefferson Street, Suite 500
Boise, Idaho 83702-5391
Telephone: 208.343.3434
Facsimile: 208.343.3232

Attorneys for Unit A Association

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE NORTH
SNAKE AND MAGIC VALLEY GROUND
WATER DISTRICTS' 2009 JOINT
MITIGATION PLAN FOR 2009
(Blue Lakes)

Docket Nos. CM-MP-2009-002

IN THE MATTER OF A&B IRRIGATION
DISTRICT'S RULE 43 MITIGATION PLAN

(Water Right Nos. 36-02356A, 36-07210, and
36-07427)

**UNIT A ASSOCIATION'S OPPOSITION
TO STIPULATION AND JOINT
MOTION FOR APPROVAL OF A&B
IRRIGATION DISTRICT'S RULE 43
MITIGATION PLAN**

Protestant Unit A Association, by and through its counsel of record, Perkins Coie LLP, and in accordance with IDAPA 37.01.01.270.02, hereby opposes the Stipulation and Joint Motion for Approval of A&B Irrigation District's Rule 43 Mitigation Plan ("Motion") filed on or about February 2, 2010.

First, the Motion does not address or resolve issues raised in Unit A Association's Protest. Further, Blue Lakes' significantly conditioned acceptance of A&B's Mitigation Plan is merely one of many factors that should be considered by IDWR when evaluating a Mitigation Plan pursuant to Rule 43. IDWR approval of A&B's Mitigation Plan based on the Motion is therefore improper. Accordingly, the Motion should be denied.

UNIT A ASSOCIATION'S OPPOSITION TO
STIPULATION AND JOINT MOTION FOR APPROVAL
OF A&B IRRIGATION DISTRICT'S RULE 43
MITIGATION PLAN - 1
58203-0001/LEGAL17646278.1

DATED: February 3, 2010

PERKINS COIE LLP

By: 

Robert A. Maynard, ISB No. 5537
Erika E. Malmen, ISB No. 6185
Cynthia L. Yee-Wallace, ISB No. 6793

Attorneys for Unit A Association

CERTIFICATE OF SERVICE

I, the undersigned, certify that on February 3, 2010, I caused a true and correct copy of the within named document to be forwarded with all required charges prepaid and properly addressed, by the method(s) indicated below, in accordance with IDAPA 37.01.01.303, to all of the parties of record in this proceeding, as follows:

Gary Spackman, Interim Director
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Hand Delivery
U.S. Mail
Facsimile: (208) 287-6700
Overnight Mail
Email: deborah.gibson@idwr.idaho.gov
phil.rassier@idwr.idaho.gov
chris.bromley@idwr.idaho.gov

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<input type="checkbox"/>
<input checked="" type="checkbox"/>

Daniel V. Steenson
Charles L. Honsinger
Ringert Clark
PO Box 2773
Boise, Idaho 83701-2773

Hand Delivery
U.S. Mail
Facsimile: (208) 342-4657
Overnight Mail
Email: dvs@ringertlaw.com
clh@ringertlaw.com

<input type="checkbox"/>
<input type="checkbox"/>
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Travis L. Thompson
Paul L. Arrington
Sarah W. Higer
Barker Rosholt & Simpson LLP
113 Main Avenue West, Suite 303
PO Box 485
Twin Falls, Idaho 83303-0485

Hand Delivery
U.S. Mail
Facsimile: (208) 735-2444
Overnight Mail
Email: tlt@idahowaters.com
pla@idahowaters.com
swh@idahowaters.com

<input type="checkbox"/>
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A. Dean Tranmer
City of Pocatello
PO Box 4169
Pocatello, Idaho 83201

Hand Delivery
U.S. Mail
Facsimile: (208) 239-6986
Overnight Mail
Email: dtranmer@pocatello.us

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<input type="checkbox"/>
<input checked="" type="checkbox"/>

City of Pocatello

Represented by:
Sarah A. Klahn

White & Jankowski LLP

Kittredge Building
511 16th Street, Suite 500
Denver Colorado 80202

Hand Delivery
U.S. Mail
Facsimile: (303) 825-5632
Overnight Mail
Email: sarahk@white-jankowski.com

Randall C. Budge
Candice M. McHugh
Racine Olson Nye Budge & Bailey
201 East Center, Suite A2
PO Box 1391
Pocatello, Idaho 83204-1391

Hand Delivery
U.S. Mail
Facsimile: (208) 232-6109
Overnight Mail
Email: rcb@racinelaw.net
cmm@racinelaw.net

William A. Parsons
Parsons, Smith & Stone, LLP
137 West 13th Street
PO Box 910
Burley, Idaho 83318

Hand Delivery
U.S. Mail
Facsimile: (208) 878-0146
Overnight Mail
Email: wparsons@pmt.org



Robert A. Maynard
Erika E. Malmén
Cynthia L. Yee-Wallace