

Randall C. Budge , ISB # 1949
Candice M. McHugh, ISB #5908
RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED
PO Box 1391
Pocatello, ID 83204-1391
Telephone: (208) 232-6101
Facsimile: (208) 232-6109

*Attorneys for North Snake and Magic Valley
Ground Water Districts*

John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
BARKER ROSHOLT & SIMPSON, LLP
113 Main Avenue West, Suite 303
P.O. Box 485
Twin Falls, Idaho 83303-0485
Telephone (208) 733-0700
Facsimile (208) 735-2444

Attorneys for A&B Irrigation District

A. Dean Tranmer, ISB # 2793
City of Pocatello
P. O. Box 4169
Pocatello, ID 83201
(208) 234-6149
(208) 234-6297 (Fax)

Sarah A. Klahn, ISB #7928
Mitra Pemberton
White & Jankowski, LLP
511 Sixteenth Street, Suite 500
Denver, Colorado 80202
(303) 595-9441
(303) 825-5632 (Fax)

Attorneys for City of Pocatello

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

IN THE MATTER OF NORTH SNAKE
AND MAGIC VALLEY GROUND
WATER DISTRICTS' 2009 JOINT
MITIGATION PLAN TO COMPENSATE
BLUE LAKES TROUT FARM, INC.

IN THE MATTER OF THE A&B
IRRIGATION DISTRICT'S 2009
MITIGATION PLAN TO COMPENSATE
BLUE LAKES TROUT FARM, INC.

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

Docket No. CM-MP-2009-002

**STIPULATION REGARDING
DISCOVERY AND CONTINUED
LIMITED PARTICIPATION**

North Snake Ground Water District (NSGWD) and Magic Valley Ground Water District (MVGWD) (collectively "Ground Water Districts"), the City of Pocatello and A&B Irrigation District hereby file this *Stipulation Regarding Discovery and Participation*.

The parties agree to the following:

1. A&B agrees to withdraw *A&B Irrigation District's First Discovery Requests to the City of Pocatello*.

2. A&B agrees to withdraw *A&B Irrigation District's First Discovery Requests to the Ground Water Users*.

3. The City of Pocatello agrees that it does not object to the Stipulation and Joint Motion for Approval of A&B Irrigation District's Rule 43 Mitigation Plan ("Joint Stipulation") received February 1, 2010. As stated in its protest, Pocatello agrees that it is involved in this proceeding because it is concerned with how the Department will provide credit for mitigation water where multiple mitigation plans propose to address the same alleged shortage, and specifically, how will the Department calculate and assign such mitigation credit to prevent over-mitigation. The City agrees it does not oppose A&B Irrigation District's Rule 43 Mitigation Plan ("A&B's Mitigation Plan") and that it does not seek denial of the plan in this proceeding as currently described in the Joint Stipulation. The City further agrees that it has not and will not submit any testimony or legal briefing that requests that the Director deny the plan as currently described in the Joint Stipulation. In addition, for purposes of A&B's mitigation plan proceeding the City does not challenge the Director's computed estimated obligation and benefits related to A&B as set forth in the table attached to the February 19, 2010 email to the parties. *See Exhibit A*. However, the City does not withdraw its Protest because it wants to reserve the right to challenge any legal decisions made in this proceeding on

the issue of water supply, the effect of multiple mitigation plans and the assignment of credit based upon those plans. Further, the City may participate at hearing or in pre-hearing briefing on the issue of the effect of water supply, multiple mitigation plans and the assignment of credit based upon those plans only.

4. The Ground Water Districts agree that they do not object to the Joint Stipulation. They further agree, as set forth on the record at the February 10, 2010, status conference they are not protesting the mitigation activities proposed in A&B's Mitigation Plan or whether the activities sufficiently mitigate injury to Blue Lakes. The Ground Water Districts agree to not oppose A&B's Mitigation Plan and that they do not seek denial of the plan in this proceeding as currently described in the Joint Stipulation. The Districts further agree that they have not and will not submit any testimony or legal briefing in opposition to the plan as currently described in the Joint Stipulation. In addition, for purposes of A&B's Mitigation Plan proceeding the Districts do not challenge the Director's computed estimated obligation and benefits related to A&B as set forth in the table attached to the February 19, 2010 email to the parties. *See Exhibit A.* However, the Districts do not withdraw their Protest because they want to reserve the right to challenge any legal decisions made in this proceeding on the issue of water supply, the effect of multiple mitigation plans and the assignment of credit based upon those plans. Further, the Districts may participate at hearing or in pre-hearing briefing on the issue of the effect of water supply, multiple mitigation plans and the assignment of credit based upon those plans.

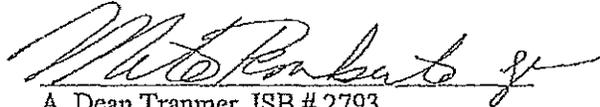
Dated: March 29th, 2010.



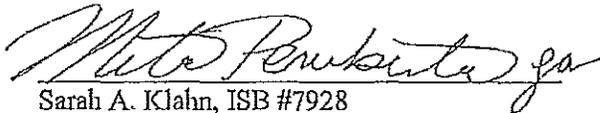
Randall C. Budge, ISB # 1949
Candice M. McHugh, ISB #5908
RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED

*Attorneys for North Snake and Magic Valley
Ground Water Districts*

Dated: March 26th, 2010.



A. Dean Tranmer, ISB # 2793
City of Pocatello



Sarah A. Klahn, ISB #7928
Mitra Pemberton
WHITE & JANKOWSKI, LLP

Attorneys for City of Pocatello

Dated: March _____, 2010.

John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
BARKER ROSHOLT & SIMPSON, LLP

Attorneys for A&B Irrigation District

Dated: March ____, 2010.

Dated: March ____, 2010.

Randall C. Budge , ISB # 1949
Candice M. McHugh, ISB #5908
RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED

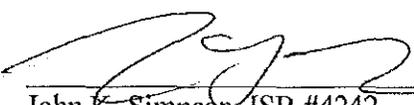
A. Dean Tranmer, ISB # 2793
City of Pocatello

*Attorneys for North Snake and Magic Valley
Ground Water Districts*

Sarah A. Klahn, ISB #7928
Mitra Pemberton
WHITE & JANKOWSKI, LLP

Attorneys for City of Pocatello

Dated: March 29th, 2010.



John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
BARKER ROSHOLT & SIMPSON, LLP

Attorneys for A&B Irrigation District

CERTIFICATE OF MAILING

I hereby certify that on this 30th day of March, 2010, the above and foregoing was sent to the following by U.S. Mail, proper postage prepaid and by e-mail for those with listed e-mail addresses:

Gary Spackman, Interim Director
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
chris.bromley@idwr.idaho.gov
garrick.baxter@idwr.idaho.gov

- U.S. Mail, postage prepaid
- Facsimile
- E-Mail
- Hand Delivery

Travis Thompson
Barker Rosholt & Simpson
113 Main Ave, W, Ste 303
PO Box 485
Twin Falls, ID 83303-0485
flt@idahowaters.com
jks@idahowaters.com

- U.S. Mail, postage prepaid
- Facsimile
- E-Mail
- Hand Delivery

Daniel V. Steenson
Charles L. Honsinger
Ringert Clark
P.O. Box 2773
Boise, ID 83701-2773
dvs@ringertclark.com
clh@ringertclark.com

- U.S. Mail, postage prepaid
- Facsimile
- E-Mail
- Hand Delivery

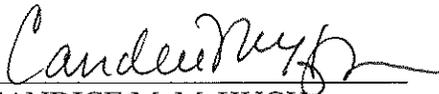

CANDICE M. McHUGH

Table of computed obligation and mitigation for Blue Lakes Call

entity	acres	Impact to reach (cfs)	Obligation to spring (cfs)	Mitigation plan benefit (cfs)
N Snake	23,397	25.59	5.1	^
Magic V*	29,659	17.37	3.5	^
Carey V	1,970	0.97	0.2	^
non-member participants~	3,149	3.91	0.8	^
IGWA Subtotal	58175.2	47.8	9.6	10
A&B	2,063	1.27	0.3	0.40
Southwest+Goose Cr#	13,641	10.20	2.1	2.4

Total 73,879 59.3 11.9 12.8

^ N Snake + Magic V + Carey V = 10 cfs Pristine Spg

~ all non-member participants may not be in either N Snake, Magic V, or Carey V

* About 2,000 junior acres within Magic Valley are in WD 140

Includes 0.1 cfs benefit from CREP lands within SWID as evaluated by Department's CREP shapefile (733 ac). No evaluation of benefit from voluntary reductions.