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RECEIVED
APR 06 2010
DEPARTMENT OF
WATER RESOURCES

**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.

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

IN THE MATTER OF SOUTH WEST
IRRIGATION DISTRICT AND GOOSE

Docket No. CM-MP-2009-001

CM-MP-2009-002

CM-MP-2009-003

**PARTIES' JOINT MOTION TO
MODIFY NOTICE OF HEARING**

CREEK IRRIGATION DISTRICT
MITIGATION PLAN

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

North Snake Ground Water District (NSGWD) and Magic Valley Ground Water District (MVGWD) (collectively "Ground Water Districts"), the City of Pocatello, A&B Irrigation District, Unit A Association, Southwest Irrigation District and Goose Creek Irrigation District, through the undersigned counsel, hereby file this *Joint Motion to Modify Notice of Hearing*.

On February 17, 2010, the Director issued a *Notice of Hearing* setting a hearing on *A&B Irrigation District's Rule 43 Mitigation Plan*. However, the *Notice of Hearing* also included the docket numbers for the *Ground Water Users' Joint Mitigation Plan* (Docket No. CM-MP-2009-01) ("GWU's Mitigation Plan") and *Southwest and Goose Creek Irrigation District Mitigation Plan 2010* (Docket No. CM-MP-2009-03) ("SWID Mitigation Plan"). The hearing set to commence April 7, 2010 only pertains to *A&B Irrigation District's Rule 43 Mitigation Plan* (Docket No. CM-MP-2009-02).

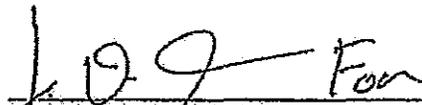
On February 9, 2010, Blue Lakes Trout Farm, Inc. filed a *Notice of Partial Withdrawal of Protest to Ground Water Users' Joint Mitigation Plan*; on the record at the February 10, 2010, status conference, counsel for Clear Springs Foods, Inc., the other Protestant to the GWU's Mitigation Plans, indicated that it did not intend to pursue its protest in light of the Director's *Order Limiting Scope of Hearing* as its issues were not set for hearing or consideration at this time. As such there is no need for a hearing on the *Ground Water Users' Joint Mitigation Plan* and an order approving the GWU's Mitigation Plan that proposes the direct delivery of water to Blue Lakes from Alpheus Creek should be issued.

Blue Lakes did not protest SWID's Mitigation Plan and Clear Springs Foods, Inc., the Protestant to that plan does not intend to go forward with a hearing at this time. Clear Springs anticipates filing a stipulation with SWID and/or a withdrawal of its protest in the near future.

Counsel for Blue Lakes has indicated that Blue Lakes does not object to this joint motion but intends to file a separate statement.

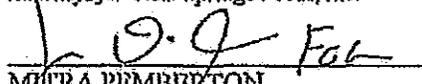
Based on the foregoing, the Parties jointly request that the *Notice of Hearing* be modified to only pertain to *A&B Irrigation District's Rule 43 Mitigation Plan* (Docket No. CM-MP-2009-02).

Dated this 24 day of April, 2010



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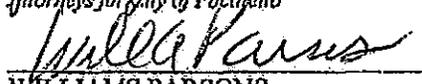
JOHN SIMPSON
Attorneys for Clear Springs Foods, Inc.



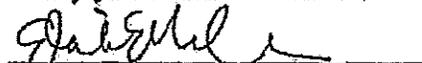
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DEAN TRAMMER
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WILLIAMS PARSONS
Attorneys for Southwest and Goose Creek



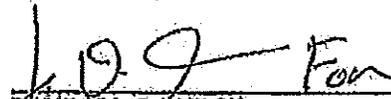
BRIKA MALMEN
Attorneys for Unit A Association

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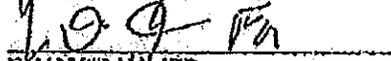
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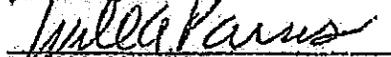
Dated this 21st day of April, 2010

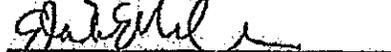

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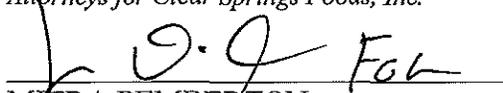
Based on the foregoing, the Parties jointly request that the *Notice of Hearing* be modified to only pertain to *A&B Irrigation District's Rule 43 Mitigation Plan* (Docket No. CM-MP-2009-02).

Dated this 20 day of April, 2010



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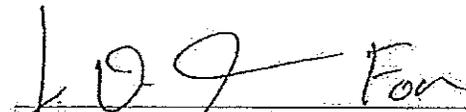
ERIKA MALMEN
Attorneys for Unit A Association

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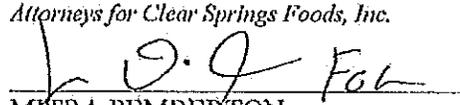
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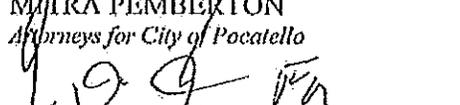
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Dated this 21st day of April, 2010

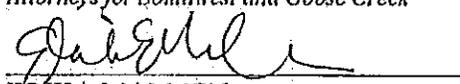

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CERTIFICATE OF MAILING

I hereby certify that on this 6th day of April, 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:

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