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BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHT NOS. 36-4013A,
36-4013B, and 36-7148 (Snake River Farm)

IN THE MATTER OF THE THIRD MITIGATION
PLAN (OVER-THE-RIM) 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)

Docket No. CM-MP-2009-004

**STIPULATION AND REQUEST
FOR STAY**

(Over-the-Rim Mitigation Plan)

COME NOW Clear Springs Food, Inc. (“Clear Springs”) and North Snake Ground Water District and Magic Valley Ground Water District (herein “Ground Water Districts”), by and through their respective attorneys of record and do hereby stipulate and agree as follows:

1. Clear Springs and the Ground Water Districts have entered into ongoing negotiations and are collaborating on a cooperative and good faith basis to explore other practical and feasible alternatives to the Ground Water Districts’ “Over-the-Rim Mitigation Plan” subject to the proceedings including the *Final Order Concerning the Over-the-Rim Mitigation Plan*

entered on March 18, 2011, by Interim Director Gary Spackman. The parties' objectives are to pursue long-term solutions to stabilize and sustain the aquifer, reduce demands and resolve conflicts.

2. The parties agree to stay the present administrative proceedings on the *Final Order Concerning the Over-the-Rim Mitigation Plan* until further notice as well as the matter in Gooding County, Case NO. 2009-000431.

3. After October 31, 2011, either party may elect to revoke the stay and proceed to implement their respective obligations under the *Final Order Concerning the Over-the-Rim Mitigation Plan* and request the Director to continue the proceedings upon giving not less than ninety (90) days written notice to the other party and the Department.

4. The parties request that the Director enter an Order without further notice or hearing approving this *Stipulation and Request for Stay* and stay any further proceedings, including but not limited to consideration of the *Petition for Reconsideration* filed by Clear Springs, and suspend the parties' obligations under the *Final Order Concerning the Over-the-Rim Mitigation Plan*.

DATED this 8th day of April, 2011.

RACINE, OLSON, NYE, BUDGE & BAILEY,
CHARTERED

By: 

RANDALL C. BUDGE
CANDICE M. McHUGH
Attorneys for Ground Water Districts

BARKER, ROSHOLT & SIMPSON, LLC

By: 

 JOHN K. SIMPSON
Attorneys for Clear Springs Food, Inc.

CERTIFICATE OF MAILING

I hereby certify that on this 8th day of April, 2011, the foregoing, was served as indicated to the following:



Signature of person mailing form

Gary Spackman, Interim
Director
c/o Victoria Wigle
Idaho Dept of Water Resources
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