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DEPARTMENT OF WATER RESOURCES

DISTRICT COURT GOODING CO. IDAHO FILED

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE GOODING COUNTY CLERK

STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING R. Tanner DEPUTY

CLEAR SPRINGS FOODS, INC.,)

Petitioner,)

vs.)

BLUE LAKES TROUT FARM, INC.,)

Cross-Petitioner,)

vs.)

Case No. 2008-0000444

IDAHO GROUND WATER)
APPROPRIATIONS, INC., NORTH)
SNAKE GROUND WATER DISTRICT)
and MAGIC VALLEY GROUND WATER)
DISTRICT,)

ORDER GRANTING REQUEST FOR ADDITIONAL TIME TO ISSUE ORDER ON REMAND

Cross-Petitioner,)

vs.)

IDAHO DAIRYMEN'S ASSOCIATION,)
INC.)

Cross-Petitioner,)

vs.)

RANGEN, INC.)

Cross-Petitioner,)

vs.)

¹ Director David Tuthill retired as Director of Idaho Department of Water Resources effective June 30, 2009. Gary Spackman was appointed as Interim Director. I.R.C.P. 25 (d) and (e).

GARY SPACKMAN,¹ in his capacity as
 Director of the Idaho Department of Water
 Resources, and THE DEPARTMENT OF
 WATER RESOURCES,

Respondents.

IN THE MATTER OF DISTRIBUTION
 OF WATER TO WATER RIGHTS NOS.
 36-0413A, 36-04013B, and 36-07148.

(Clear Springs Delivery Call)

IN THE MATTER OF DISTRIBUTION
 OF WATER TO WATER RIGHTS NOS.
 36-02356A, 36-07210, and 36-07427.

(Blue Lakes Delivery Call)

On June 19, 2009, this Court issued its *Order on Petition for Judicial Review* ("June 19, 2009 *Order*") in the above-captioned matter. In the June 19, 2009 *Order*, this Court concluded:

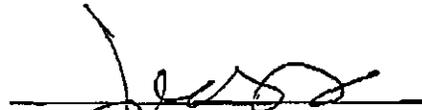
This case is remanded so that the Director may apply the appropriate burdens of proof and evidentiary standards when considering seasonal variations as part of a material injury analysis.

The remand applied to Blue Lakes' water right no. 36-7210 and Clear Springs' water right no. 36-4013A. The parties to this matter filed petitions for rehearing and this Court issued its *Order on Petitions for Rehearing* on December 4, 2009 ("December 4, 2009 *Order*"). This Court again ordered that the case be remanded to the Director to apply the appropriate burdens of proof and evidentiary standards when considering seasonal variations as part of a material injury analysis of water rights 36-7210 and 36-4013A.

On July 6, 2010, the Director of the Idaho Department of Water Resources filed a *Status Report and Request for Additional Time to Issue Order on Remand*. For good cause shown, the Director's request is hereby **granted**. The Director has until **July 19, 2010** to comply with this Court's *Orders* and issue an order on remand.

IT IS SO ORDERED.

Dated July 13, 2010


JOHN M. MELANSON
District Judge, *Pro Tem*.

NOTICE OF ORDERS

I.R.C.P. 77(d)

I, Cynthia R. Eagle-Ervin, Deputy Clerk of Gooding County do hereby certify that on the 14th day of July 2010, pursuant to Rule 77(d) I.R.C.P., I have filed this day and caused to be delivered a true and correct copy of the within and foregoing instrument: Order Granting Request for Additional Time to Issue Order on Remand to the parties listed below via US Mail postage prepaid:

✓ Garrick Baxter
Chris Bromley
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Randy Budge
Candace McHugh
RACINE OLSON
P.O. Box 1391
Pocatello, ID 83204-1391

Michael Creamer
GIVENS PURSLEY
P.O. Box 2720
Boise, ID 83701-2720

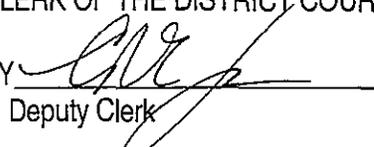
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CLERK OF THE DISTRICT COURT

BY 
Deputy Clerk