

Randall C. Budge, ISB 1949
Candice M. McHugh, ISB No. 5908
Thomas J. Budge, ISB No. 7465
Racine, Olson, Nye, Budge & Bailey, Chtd.
P.O. Box 1391
Pocatello, Idaho 83204-1391
(208) 232-6101
(208) 232-6109 fax

Attorneys for IGWA

District Court - SRBA Fifth Judicial District In Re: Administrative Appeals County of Twin Falls - State of Idaho	
OCT 22 2010	
By _____	Clerk
_____	Deputy Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING**

IDAHO GROUND WATER
APPROPRIATORS, INC.,

Petitioners,

vs.

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

Respondents,

IN THE MATTER OF DISTRIBUTION OF
WATER TO VARIOUS WATER RIGHTS
HELD BY OR FOR THE BENEFIT OF A&B
IRRIGATION DISTRICT, AMERICAN
FALLS RESERVOIR DISTRICT #2, BURLEY
IRRIGATION DISTRICT, MILNER
IRRIGATION DISTRICT, MINIDOKA
IRRIGATION DISTRICT, NORTH SIDE
CANAL COMPANY AND TWIN FALLS
CANAL COMPANY

Case No.: CV-2010-382
(consolidated Gooding County Cases CV-
2010-382, CV-2010-383, CV-2010-384, CV-
2010-387, CV-2010-388, and Twin Falls
County Case CV-2010-3403)

**GROUND WATER USERS'
SUPPLEMENT TO OBJECTION TO
AGENCY TRANSCRIPT & RECORD**

IDAHO GROUND WATER APPROPRIATORS, INC., acting for and on behalf of their
members (collectively the "Ground Water Users"), through counsel, pursuant to Rule 84(j) of the

Idaho Rules of Civil Procedure and paragraphs 6 and 8 of the Court's *Procedural Order Governing Judicial Review Of Final Order Of Director Of Idaho Department Of Water Resources* filed in Gooding County Case No. CV-2010-382 and the *Order Approving Extension of Time to Lodge Agency Transcript and Record* dated August 3, 2010, submit this *Supplement to Objection to Agency Record & Transcript*. The basis for this supplemental objection is as follows:

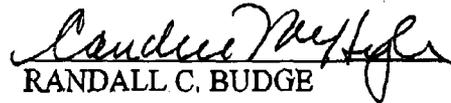
As mentioned in the *Ground Water Users' Objection to Agency Transcript & Record and Request for Extension of Time* filed on October 15, 2010, ("Ground Water Users' Objection") the cd that the Ground Water Users originally received from the Idaho Department of Water Resources ("IDWR") was incomplete and not the official agency record. Counsel for the Ground Water Users received the correct and official copy of the agency record on a cd from IDWR on October 19, 2010. It is counsel's understanding that the correct cd is the official agency record in this matter. Based on review of the contents on the correct cd, the Ground Water Users object to the inclusion of the documents for the *Mitigation Plan Hearing Transcript & Exhibits* contained in the "20100624 Letter Enclosure" folder on the cd.

Additionally, as previously addressed in the Ground Water Users' Objection, the record established in the Surface Water Coalition Delivery call in the *A & B Irrigation District, et al. v. Spackman, et al.*, Gooding County Case No. 2008-551 ("551" Case) should be incorporated and made a part of this agency record. Among other relevant documents, the 551 Case includes the Director's final order in the delivery call case from which the methodology and as-applied proceedings originate.

Based on the foregoing, IGWA requests that the Mitigation Plan Hearing Transcript & Exhibits be removed from this record and that the full agency record in the 551 Case as well as the pleadings, briefs and orders on file or lodged with the Court in the 551 Case be included.

DATED this 22nd day of October, 2010

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED


RANDALL C. BUDGE
CANDICE M. MCHUGH
THOMAS J. BUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of October, 2010, the above and foregoing document was served in the following manner.

District Court Clerk
SRBA District Court
253 3rd Avenue N.
P.O. Box 2707
Twin Falls, Idaho 83303-2707

U.S. Mail/Postage Prepaid
 Facsimile 208-736-2121
 Overnight Mail
 Hand Delivery
 E-mail

Tom Arkoosh
CAPITOL LAW GROUP, PLLC
P.O. Box 2598
Boise, Idaho 83701-2598

U.S. Mail/Postage Prepaid
 Facsimile 208-424-8873
 Overnight Mail
 Hand Delivery
 E-mail
tarkoosh@capitollawgroup.net

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

U.S. Mail/Postage Prepaid
 Facsimile 208-287-6700
 Overnight Mail
 Hand Delivery
 E-mail
garrick.baxter@idwr.idaho.gov
chris.bromley@idwr.idaho.gov

W. Kent Fletcher
FLETCHER LAW OFFICE
P.O. Box 248
Burley, Idaho 83318-0248

U.S. Mail/Postage Prepaid
 Facsimile 208-878-2548
 Overnight Mail
 Hand Delivery
 E-Mail
wkf@pmt.org

John Simpson
Travis L. Thompson
Barker Rosholt
P.O. Box 2139
Boise, Idaho 83701-2139

U.S. Mail/Postage Prepaid
 Facsimile 208-344-6034
 Overnight Mail
 Hand Delivery
 E-Mail
jks@idahowaters.com
tlt@idahowaters.com

Sarah Klahn
Mitra Pemberton
WHITE JANKOWSKI, LLP
511 16th St., Suite 500
Denver, Colorado 80202

U.S. Mail/Postage Prepaid
 Facsimile
 Overnight Mail
 Hand Delivery
 E-mail
sarahl@white-jankowski.com
mitrap@white-jankowski.com

Dean Tranmer
CITY OF POCA TELLO
P.O. Box 4169
Pocatello, Idaho 83205

U.S. Mail/Postage Prepaid
 Facsimile
 Overnight Mail
 Hand Delivery
 E-mail
dtranmer@pocatello.us

David W. Gehlert
Natural Resources Section
Environment and Natural Res. Div.
U.S. Department of Justice
999 18th Street, Suite 370
South Terrace
Denver, CO 80202

U.S. Mail/Postage Prepaid
 Facsimile
 Overnight Mail
 Hand Delivery
 E-mail
david.gehlert@usdoj.gov


Candice M. McHugh