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Attorneys for Idaho Ground Water Districts

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcases: 1-5, 1-16, 1-210, 1-212, 1-213,
1-2064C, 1-10042B, 1-10488

**AMENDED
NOTICE OF GROUND WATER
DISTRICTS' WITHDRAWAL OF
OBJECTIONS TO THE NORTH SIDE
CANAL COMPANY WATER RIGHT
RECOMMENDATIONS**

The Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Carey-Valley Ground Water District, Jefferson Clark Ground Water District, Madison Ground Water District, (collectively "Ground Water Districts") acting for and on behalf of their members, hereby give notice of withdrawal with prejudice of their objections to the above-referenced North Side Canal Company (NSCC) water

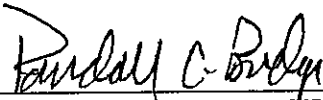
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right recommendations in the SRBA.¹ This Amended Notice corrects and supersedes the Notice dated June 8, 2009.

This withdrawal by the above-referenced Ground Water Districts is made at the request of North Snake Ground Water District (North Snake) and Magic Valley Ground Water District (Magic Valley) as a show of good faith and to enhance their working relationship with NSCC. This year and in previous years, NSCC has entered into short-term, one-year conveyance agreements to convey through the NSCC delivery system storage water leased from the Upper Snake Reservoir System and delivered to certain members of North Snake and Magic Valley that have converted acres of their land from ground water irrigation to surface water irrigation (commonly known as "conversions") as a part of mitigation plans in Water District 130 established by North Snake and Magic Valley and approved by IDWR. This withdrawal of the Ground Water Districts' Objections is made upon the grounds and for the reasons that NSCC has committed to negotiate to renew and convert the short-term Water Conveyance Agreements into long-term Agreements to support the conversion acres and mitigation plans on a long-term basis.

DATED this 9th day of June, 2009.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By: 
RANDALL C. BUDGE
Attorney for the Ground Water Districts

¹ North Snake Ground Water District and Magic Valley Ground Water District did not file Objections to NSCC's water rights.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of June, 2009, the above and foregoing document was served in the following manner.

Clerk of the SRBA Court 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	☒ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☐ E-mail
Document Repository 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
Natural Resources Division Chief State of Idaho Attorney General's Office PO Box 44449 Boise, ID 83711-4449	☒ U.S. Mail/Postage Prepaid ☐ Facsimile 208-878-2548 ☐ Overnight Mail ☐ Hand Delivery
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 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
Travis L. Thompson Barker Rosholt 113 Main Ave W., Suite 303 PO Box 485 Twin Falls, ID 83303-0485	☐ U.S. Mail/Postage Prepaid ☐ Facsimile 208-344-6034 ☐ Overnight Mail ☐ Hand Delivery ☒ E-Mail tlt@idahowaters.com
United States Department of Justice Environment & Natural Resources Division 550 W Forst St., MSC 033 Boise, ID 83724	☒ U.S. Mail/Postage Prepaid ☐ Facsimile 208-344-6034 ☐ Overnight Mail ☐ Hand Delivery

E. Gail McGarry USDI-BOR 1150 N. Curtis Rd., Suite 100 Boise, ID 83706-1234	<i>courtesy copy</i>	☒ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☐ E-mail
Sarah Klahn Mitra M. Pemberton WHITE JANKOWSKI, LLP 511 16 th St., Suite 500 Denver, Colorado 80202		☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail sarahk@white-jankowski.com
Dean Tranmer CITY OF POCATELLO P.O. Box 4169 Pocatello, Idaho 83205		☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail dtranmer@pocatello.us
Robert L. Harris 1000 Riverwalk Dr., Suite 200 PO Box 50130 Idaho Falls, ID 83405-0130		☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail rharris@holdenlegal.com

Jerry R. Rigby 25 N 2 nd E PO Box 250 Rexburg, ID 83440-0250		☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail jrigby@rex-law.com
North Side Canal Company 921 Lincoln Avenue Jerome, ID 83338		☒ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☐ E-mail
Magic Valley Ground Water District Emily Haynes, Secretary P.O. Box 430 Paul, ID 83347		☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery

	☒ E-mail <u>dsteve@pmt.org</u>
North Snake Ground Water District c/o Lynn Carlquist, Chairman 1092 South 2500 East Hazelton, ID 83335	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ Email <u>carlquil@yahoo.com</u>

Fredall C. Budge