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DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE 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	**IGWA'S PETITION FOR RECONSIDERATION OF THE DIRECTOR'S FOURTH SUPPLEMENTAL ORDER ON REPLACEMENT WATER REQUIREMENTS FOR 2005**

Idaho Ground Water Appropriators, Inc. ("IGWA"), through its counsel Givens Pursley LLP, and on behalf of its Ground Water District members, hereby petitions for reconsideration of the Director's July 17, 2006 *Fourth Supplemental Order on Replacement Water Requirements for 2005* ("July 17, 2006 Order").

IGWA has filed the following petitions, briefs and/or affidavits with the Department in connection with previous orders issued in this proceeding:

1. Petition for Reconsideration and/or Clarification of Director's May 2, 2005 Amended Order; Request for Hearing; Motion for Stay of Amended Order, dated May 16, 2005;

2. Petition for Reconsideration of Order Approving of Order Approving IGWA's Replacement Water Plan for 2005 dated July 8, 2005;

3. Petition for Reconsideration of the July 22, 2005 Supplemental Order Amending Replacement Water Requirements dated August 5, 2005;

4. Petition for Reconsideration of the December 27, 2005 Second Supplemental Order Amending Replacement Water Requirements dated January 10, 2006;

5. Affidavit of Charles M. Brendecke in Support of IGWA's Petition for Reconsideration of Second Supplemental Order dated January 10, 2006;

6. IGWA and Pocatello's Joint Response to the Surface Water Coalition's Motion for Partial Summary Judgment dated April 28, 2006; and

7. Affidavit of Charles M. Brendecke in Support of IGWA's and Pocatello's Response to Motion for Partial Summary Judgment dated April 28, 2006.

8. IGWA's Petition for Reconsideration of the Director's Third Supplemental Order Amending Replacement Water Requirements Final 2005 and Estimated 2006 dated July 13, 2006.

The July 17, 2006 Order carries forward the errors identified in the above IGWA filings, and fails to give due consideration to, or otherwise take into account, the issues, arguments and facts presented therein. IGWA hereby incorporates by reference and restates each of IGWA's grounds for reconsideration and supporting facts and opinions contained in the above-referenced filings as if set forth fully herein.

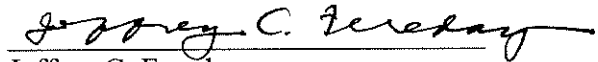
IGWA also respectfully objects to the manner in which the Department evidently has accounted for storage and natural flow water rights that IGWA either placed in the Idaho Water Resource Board water bank or acquired through the Water District 01 Rental Pool for mitigation and/or replacement water supplies. IGWA paid all relevant fees for the rental and delivery of these supplies. It appears from the July 17, 2006 Order that the Department intends for IGWA to

pay again for the delivery of these same blocks of replacement water once they finally are delivered by order of the Director. IGWA objects to any requirement that it pay these additional administrative or other fees for such water. IGWA rented and made this water available last year; it paid the fees then. At that time, through no fault of IGWA, the Director chose not to deliver it to or account it for the benefit of the entity that the Director preliminarily deemed was reasonably likely to have experienced material injury—Twin Falls Canal Company ("TFCC"). The water remains available (or indeed, now has been delivered) in 2006. IGWA objects to paying administrative fees again for this same water. IGWA also objects to paying any additional administrative fees for that water accruing to natural flow in the Snake River under IGWA's ground water lease with FMC that is not delivered to or accounted for the benefit of entities (TFCC, under the present state of the orders) that the Director has preliminarily deemed are reasonably likely to be suffering material injury.

IGWA respectfully requests a hearing wherein it is entitled to present argument and introduce evidence as to all issues raised in this Petition and those listed above.

Respectfully submitted this 31st day of July, 2006.

GIVENS PURSLEY LLP



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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of July 2006, I served a true and correct copy of the foregoing by delivering it to the following individuals by the method indicated below, addressed as stated.

Mr. Karl J. Dreher, Director Idaho Department of Water Resources 322 East Front Street P.O. Box 83720 Boise, ID 83720-0098	_____ U.S. Mail _____ Facsimile _____ Overnight Mail __X__ Hand Delivery _____ E-mail
C. Tom Arkoosh, Esq. Arkoosh Law Offices, Chtd. 301 Main Street P.O Box 32 Gooding, ID 83330	__X__ U.S. Mail _____ Facsimile _____ Overnight Mail _____ Hand Delivery _____ E-mail
W. Kent Fletcher, Esq. Fletcher Law Office P.O. Box 248 Burley, ID 83318-0248	__X__ U.S. Mail _____ Facsimile _____ Overnight Mail _____ Hand Delivery _____ E-mail
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John A. Rosholt, Esq. John K. Simpson, Esq. Travis L. Thompson, Esq. Barker, Rosholt & Simpson 113 Main Avenue West, Ste. 303 Twin Falls, ID 83301-6167	__X__ U.S. Mail _____ Facsimile _____ Overnight Mail _____ Hand Delivery _____ E-mail
Kathleen Marion Carr, Esq. Office of the Field Solicitor U.S. Department of the Interior 960 Broadway Avenue, Suite 400 Boise, ID 83706	__X__ U.S. Mail _____ Facsimile _____ Overnight Mail _____ Hand Delivery _____ E-mail

Matt J. Howard, Esq. U.S. Bureau of Reclamation Pacific Northwest Region 1150 N. Curtis Road Boise, ID 83706-1234	X _____ _____ _____ _____	U.S. Mail Facsimile Overnight Mail Hand Delivery E-mail
Scott L. Campbell, Esq. Moffatt Thomas Barrett Rock & Fields, Chtd. 101 S. Capitol Blvd., 10th Floor P.O. Box 829 Boise, ID 83701-0829	X _____ _____ _____ _____	U.S. Mail Facsimile Overnight Mail Hand Delivery E-mail
Michael S. Gilmore, Esq. Deputy Attorney General Civil Litigation Division Office of the Attorney General P.O. Box 83720 Boise, ID 83720-0010	X _____ _____ _____ _____	U.S. Mail Facsimile Overnight Mail Hand Delivery E-mail
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Mr. Ryan Madsen Idaho Department of Water Resources Eastern Regional Office 900 North Skyline Dr. Idaho Falls, ID 83402-6105	X _____ _____ _____ _____	U.S. Mail Facsimile Overnight Mail Hand Delivery E-mail

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