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June 10, 2010

Clerk of the Court
Minidoka County Courthouse
715 G Street
P.O. Box 368
Rupert, Idaho 83350
Fax: 208-436-5272

Re: A&B District Court Appeal / Minidoka County Case No.: CV-2009-647

Dear Clerk:

Enclosed for filing in the captioned matter please find *Ground Water Users' Petition for Rehearing.* Thank you.

Very truly yours,

Randy Budge

RANDALL C. BUDGE

RK

RCB:rr
Enclosure
Cc: Service List

Randall C. Budge (ISB #1949)
Candice M. McHugh (ISB #5908)
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Attorneys for Idaho Ground Water Appropriators, Inc.

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

A & B IRRIGATION DISTRICT, Petitioner, vs. THE IDAHO DEPARTMENT OF WATER RESOURCES and GARY SPACKMAN in his official capacity as Interim Director of the Idaho Department of Water Resources, Respondents. IN THE MATTER OF THE PETITION FOR DELIVERY CALL OF A&B IRRIGATION DISTRICT FOR THE DELIVERY OF GROUND WATER AND FOR THE CREATION OF A GROUND WATER MANAGEMENT AREA	Case No. CV-2009-647 **GROUND WATER USERS' PETITION FOR REHEARING**

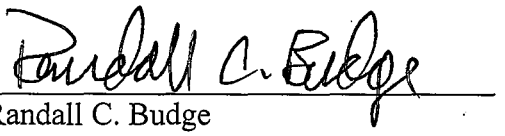
Idaho Ground Water Appropriators, Inc., North Snake Ground Water District, and Magic Valley Ground Water District, acting for and on behalf of their members (collectively, the "Ground Water Users"), respectfully petition for rehearing of the Court's *Memorandum Decision and Order on Petition for Judicial Review* dated May 4, 2010 (the "*Order*")[1] pursuant to Rule

[1] The Court's *Order of Extension Re: Filing Date of Memorandum Decision* extended the filing date of the *Memorandum Decision and Order on Petitions for Judicial Review* to May 20, 2010.

84(r) of the Idaho Rules of Civil Procedure and Rule 42 of the Idaho Appellate Rules. This petition seeks rehearing on the Court's ruling in section C.6 of the *Order* that junior-priority groundwater users must prove by clear and convincing evidence that material injury exists, that curtailment will result in waste, or that a delivery call is futile. The Ground Water Users will submit a supporting brief within fourteen (14) days after the filing date of this petition pursuant to Idaho Appellate Rule 42(b). The Ground Water Users reserve the right to raise additional issues for rehearing in its supporting brief.

DATED this 10th day of June, 2010.

RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED



Randall C. Budge
Candice M. McHugh
Scott J. Smith

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of June, 2010, the above and foregoing document was served in the following manner:

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Randall C. Budge

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