

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF THE PETITION FOR )  
DELIVERY CALL OF A&B IRRIGATION ) **ORDER DENYING PETITION**  
DISTRICT FOR THE DELIVERY OF GROUND ) **FOR RECONSIDERATION**  
WATER AND FOR THE CREATION OF A )  
GROUND WATER MANAGEMENT AREA )  
\_\_\_\_\_ )

On June 30, 2009, the Director of the Department of Water Resources (“Director” or “Department”)<sup>1</sup> issued a *Final Order Regarding the A&B Irrigation District Delivery Call* (“Final Order”) in response to exceptions filed by the A&B Irrigation District (“A&B”) to the independent hearing officer’s recommended orders. On July 14, 2009, A&B timely filed its *Petition for Reconsideration of Director’s June 30, 2009 Final Order Regarding the A&B Irrigation District Delivery Call* (“Petition for Reconsideration”).

On July 28, 2009, the Department received *IGWA and Pocatello’s Response to A&B’s Petition for Reconsideration of Director’s June 30, 2009 Final Order Regarding the A&B Irrigation District’s Delivery Call*, in which it was stated that: “The record in this matter supports the Director’s June 30, 2009 Final Order that A&B is not water short and has not suffered material injury to its Ground Water Right No. 36-2080. . . . Therefore, the Director’s June 30, 2009 Final Order should be affirmed and A&B’s Request for Reconsideration should be denied.”

**ORDER**

The Director has reviewed the Final Order, Petition for Reconsideration, and considered A&B’s arguments. The Director concludes that no further action is necessary. Based upon the foregoing, it is hereby ordered that A&B’s Petition for Reconsideration is DENIED.

Dated this 4<sup>th</sup> day of August 2009.

  
\_\_\_\_\_  
GARY SPACKMAN  
Interim Director

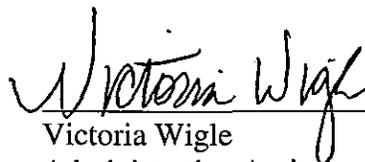
<sup>1</sup> On June 30, 2009, former Director David R. Tuthill, Jr. retired. Gary Spackman was appointed Interim Director of the Department by Governor Otter on July 17, 2009.

## CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the following attached document on the persons listed below by mailing in the United States mail, first class with the correct postage affixed thereto, as well as by electronic mail to those persons listed with e-mail addresses, on this 4th day of August 2009.

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