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DEPARTMENT OF
WATER RESOURCES

Counsel for the United States

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

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 2008-0000551

Fee Category

Petitioners,

PETITION FOR JUDICIAL REVIEW

vs.

DAVID K. TUTHILL, JR., in his capacity)
 as 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, MLNER)
 IRRIGATION DISTRICT, MINIDOKA)
 IRRIGATION DISTRICT, NORTH SIDE)
 CANAL COMPANY, AND TWIN FALLS)
 CANAL COMPANY)
 _____)

COMES NOTE, Petitioner the United States, by and through the undersigned counsel, and hereby files this Petition seeking judicial review of a final agency action. A Statement of Issues which the United States intends to assert in this matter will be filed within 14 days.

STATEMENT OF THE CASE

1. This is a civil action pursuant to Idaho Code §§ 67-5270 and 67-5279 seeking judicial review of a final order issued by the Director of the Idaho Department of Water Resources, David K. Tuthill, Jr., on September 5, 2008.

2. A hearing in the matter was held before the agency from January 16, 2008 to February 5, 2008.

3. A Statement of Issues which the United States intends to assert will be filed with the Court within 14 days.

JURISDICTION AND VENUE

4. This petition is authorized by Idaho Code §§ 67-5270 and 67-5279.

5. This Court has jurisdiction over this action pursuant to Idaho Code §§ 42-1701A(4) and 67-5272.

6. Venue lies in this Court pursuant to Idaho Code § 67-5272. Petitioner the United

States does business in Gooding County and owns water rights which are delivered to water users located within Gooding County.

7. The Director's September 5, 2008 *Final Order Regarding the Surface Water Coalition Delivery Call* is a final agency action subject to judicial review pursuant to Idaho Code 67-5270(3).

PARTIES

8. Petitioner, the United States, through the Department of the Interior, Bureau of Reclamation operates reclamation projects affected by the Director's Final Order. The Bureau of Reclamation's Pacific Northwest Regional Office is located at 1150 North Curtis Road, Suite 100, Boise, ID 83706-1234.

9. Respondent, Idaho Department of Water Resources is a state agency, with its main office located at 322 E. Front St., Boise, Idaho. Respondent, David K. Tuthill, Jr., is the director of the Idaho Department of Water Resources.

AGENCY RECORD

10. Judicial Review is sought of the Director's September 5, 2008 *Final Order Regarding the Surface Water Coalition Delivery Call*.

11. The Department held a hearing in this matter from January 16, 2008 to February 5, 2008, which was recorded and a transcript created, which transcript should be made a part of the agency record in this matter. Victoria Vigle, the Director's Administrative Assistant, may have a copy of the transcript. She may be reached at the Idaho Department of Water Resources, 322 E. Front St., P.O. Box 83720, Boise, Idaho 83720, Boise, Idaho 83720-0098, Telephone (208) 287-4803, Facsimile (208) 287-6700, e-mail: victoria.vigle@idwr.idaho.gov.

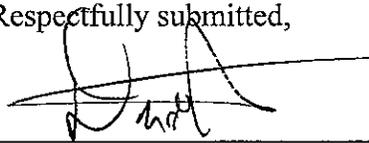
12. The United States anticipates that it can reach a stipulation regarding the content

of the record with the other parties to this matter. The United States will pay its necessary share for preparation of the record.

13. Service of this Petition for Judicial Review of Agency Action has been made on Respondents and the other Petitioners at the time of the filing of this Petition.

DATED this 7th day of November, 2008.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that on this 7th day of November 2008, I served a true and correct copy of the foregoing PETITION FOR JUDICIAL REVIEW as indicated below:

via hand delivery:

Clerk of the District Court for Gooding County
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via first class U.S. Mail, prepaid:

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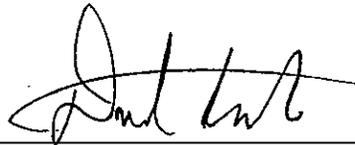
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