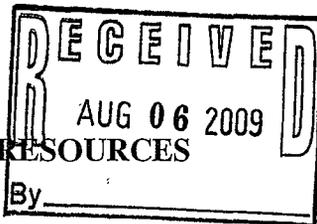


Randy



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")¹ 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 4th day of August 2009.


GARY SPACKMAN
Interim Director

¹ 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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Fred & Phyllis Stewart 300 Sugar Leo Road St. George, UT 84790	Richard J. Kimmel 867N 800E Shelley, ID 83274	Steve L. Stephens City of Arco 260 Grand Avenue PO Box 736 Arco, ID 83213



Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources

EXPLANATORY INFORMATION

The accompanying order is an **Order Denying Petition for Reconsideration** of the "final order" or "amended final order" issued previously in this proceeding by the Idaho Department of Water Resources ("department") pursuant to section 67-5243, Idaho Code.

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days a) of the date of issuance (not service) of the final order, b) the date of issuance of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.