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EGCMMPSWU\PLREADING\PET for Reasons 5th Supp Order.wpd

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

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, MILNER
 IRRIGATION DISTRICT, MINIDOKA
 IRRIGATION DISTRICT, NORTH SIDE CANAL
 COMPANY, AND TWIN FALLS CANAL CO.

**IGWA'S PETITION FOR
 RECONSIDERATION OF THE
 DIRECTOR'S FIFTH
 SUPPLEMENTAL ORDER ON
 REPLACEMENT WATER
 REQUIREMENTS FINAL 2006 AND
 ESTIMATED 2007**

Idaho Ground Water Appropriators, Inc. ("IGWA"), by the undersigned counsel and on behalf of its members, hereby petitions for reconsideration of the Director's *Fifth Supplemental Order on Replacement Water Requirements Final 2006 and Estimated 2007* dated May 23, 2007 ("Fifth 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;
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;
9. Ground Water Districts' Amended Joint Replacement Water Plan for 2007, dated May 15, 2007, Request for Reconsideration on page 5; and
10. IGWA's Petition for Reconsideration of the Director's Fourth Supplemental Order on Replacement Water Requirements for 2005 dated July 31, 2006.

To the extent that the Fifth 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 files the Petition to preserve their right to present evidence at a hearing on these and other issues.

IGWA respectfully requests that all the issues raised in this Petition and any other prior petitions and requests for reconsideration be included in the hearing to be set on the original 2005 orders and on any subsequent orders.

Respectfully submitted this 5th day of June, 2007.

RACINE OLSON NYE
BUDGE & BAILEY CHARTERED

By: Candice M. McHugh
Candice M. McHugh, Attorneys for
Idaho Ground Water Appropriators, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of June, 2007, 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.

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