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DEPARTMENT OF
WATER RESOURCES

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Attorneys for City of Pocatello

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

IN THE MATTER OF DISTRIBUTION OF)	
WATER TO VARIOUS WATER RIGHTS)	
HELD BUY OR FOR THE BENEFIT OF)	
A&B IRRIGATION DISTRICT, AMERICAN)	POCATELLO'S MOTION FOR
FALLS RESERVOIR DISTRICT #2, BURLEY)	RECONSIDERATION OF THE
IRRIGATION DISTRICT, MILNER)	DIRECTOR'S FIFTH
IRRIGATION DISTRICT, MINIDOKA)	SUPPLEMENTAL ORDER ON
IRRIGATION DISTRICT, NORTH SIDE)	REPLACEMENT WATER
CANAL COMPANY, AND TWIN FALLS)	REQUIREMENTS FINAL 2006
CANAL COMPANY)	AND ESTIMATED 2007

The City of Pocatello hereby files its Petition for Reconsideration of the Director's Fifth Supplemental Order on Replacement Water Requirements Final 2006 and Estimated 2007 ("Fifth Supplemental Order"). The Fifth Supplemental Order predicts that the Twin Falls Canal Company and American Falls Reservoir District #2 are likely to suffer material injury during the 2007 irrigation season and for purposes of carry-over storage into 2008.

1. The Director of the Idaho Department of Water Resources issued an amended order on May 2, 2005 ("May 2005 Order") in response to the Surface Water Coalition's January 14, 2005 letter requesting a delivery call. The Fifth Supplemental Order is a "supplement" to the May 2005 Order.
2. Pocatello has previously detailed its objections to the May 2005 Order (and its predecessor order of April 19, 2005) in various pleadings and expert reports previously filed in this matter. As the Fifth Supplemental Order is a continuation of the May 2005 Order, no party need state objections to the Fifth Supplemental Order or restate objections to the May 2005 Order. However, to the extent the Fifth Supplemental Order relies on the same legal, factual, and engineering deficiencies as the May 2005 Order, Pocatello restates its previous concerns, objections, and legal arguments, and incorporates them herein by reference.
3. To the extent the Fifth Supplemental Order incorporates new methodologies—such as the Director's apparent intention to make the replacement water requirements (and thus, well curtailment dates) a moving target by continual re-examination of the water supply throughout the irrigation season—Pocatello's previous investigations suggest that this only compounds the errors of the May 2005 Order, and it moves for reconsideration on this new approach.
4. A hearing has been scheduled for June 22, 2007, to address implementation of the Idaho Ground Water Appropriators' Replacement Plan. Pocatello does not seek to have the deficiencies of the Fifth Supplemental Order considered at that June 22, 2007 hearing. Rather, Pocatello respectfully requests that the issues previously raised in this matter, as well as issues raised herein, and issues raised by other parties related to the Fifth Supplemental Order, be incorporated into a single hearing.

Respectfully submitted this 6th day of June 2007.

WHITE & JANKOWSKI, LLP

By

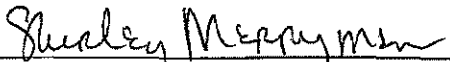


Amy W. Beatie

Attorneys for the City of Pocatello

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June, 2007, I caused to be served a true and correct copy of the foregoing Pocatello's Motion for Reconsideration of the Director's Fifth Supplemental Order on Replacement Water Requirements Final 2006 and Estimated 2007 by email and or facsimile to:


 Shirley Merryman, White & Jankowski, LLP

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Lawyers

DATE: June 6, 2007

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cc: C. Tom Arkoosh 1-208-934-8873
Michael Gilmore 1-208-334-2830
Lyle Swank 1-208-525-7177
Allen Merritt & Cindy Yenter 1-208-736-3037

RE: Pocatello's Motion for Reconsideration of the Director's 5th Supplemental
Order on Replacement Water Requirements Final 2006 & Estimated 2007
FROM: Sarah Klahn / Amy Beatie

OUR FACSIMILE NUMBER: 303.825.5632

TOTAL NUMBER OF PAGES INCLUDING THIS COVER PAGE: 5

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COMMENTS:²

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