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MAY 06 2010  
DEPARTMENT OF  
WATER RESOURCES

ATTORNEYS FOR THE IDAHO GROUND WATER APPROPRIATORS

BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

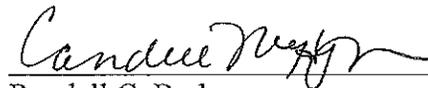
IN THE MATTER OF DISTRIBUTION  
OF WATER TO VARIOUS WATER  
RIGHTS HELD BY OR FOR THE  
BENEFIT OF A&B IRRIGATION  
DISTRICT, AMERICAN FALLS  
RESERVOIR DISTRICT #2, BURLEY  
IRRIGATION DISTRICT, MILNER  
IRRIGATION DISTRICT, MINIDOKA  
IRRIGATION DISTRICT, NORTH SIDE  
CANAL COMPANY, AND TWIN FALLS  
CANAL COMPANY

GROUND WATER USERS' REQUEST FOR  
HEARING

Idaho Ground Water Appropriators, Inc., acting for and behalf of its members ("Ground Water Users"), hereby request a hearing before the Director on his *Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carry-Over* ("Methodology Order"). The Methodology Order, violates Idaho law and the District Court's *Order on Petition for Judicial Review* and *Order Staying Decision on Petition for Rehearing Pending Issuance of Revised Final Order* and misuses evidence in the record.

The Ground Water Users would like an opportunity to present testimony and evidence to the Director that will allow him to correct these errors before the matter is combined with the pending case on judicial review, *A&B Irrigation Dist. v. Idaho Dep't of Water Resources*, Gooding County Case No. 2008-551. This Request for Hearing is further supported by the Ground Water Users' *Motion for Reconsideration, Motion for Stay, Motion to Conduct Discovery, Motion for Immediate Action, and Request for Hearing* in IDWR Docket No. CM-DC-2010-0001 and supporting materials filed therewith.

RESPECTFULLY SUBMITTED this 6<sup>th</sup> day of May, 2010.



Randall C. Budge  
Candice M. McHugh

## CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May, 2010, 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:

<p>Gary Spackman, Interim Director          Idaho Department of Water Resources          P.O. Box 83720          Boise, Idaho 83720-0098          Fax: 208-287-6700  <a href="mailto:gary.spackman@idwr.idaho.gov">gary.spackman@idwr.idaho.gov</a>  <a href="mailto:garrick.baxter@idwr.idaho.gov">garrick.baxter@idwr.idaho.gov</a>  <a href="mailto:chris.bromley@idwr.idaho.gov">chris.bromley@idwr.idaho.gov</a></p>	<p><input type="checkbox"/> U.S. Mail  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input checked="" type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> Email</p>
<p>C. Tom Arkoosh          Arkoosh Law Offices, Chtd.          301 Main Street; P.O. Box 32          Gooding, ID 83330  <a href="mailto:tarkoosh@capitolawgroup.net">tarkoosh@capitolawgroup.net</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> Email</p>
<p>W. Kent Fletcher          Fletcher Law Office          P.O. Box 248          Burley, Idaho 83318-0248  <a href="mailto:wkf@pmt.org">wkf@pmt.org</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> Email</p>
<p>John A. Rosholt          John K. Simpson          Travis L. Thompson          Barker, Rosholt &amp; Simpson          113 Main Avenue W., Ste 303          Twin Falls, ID 83301-6167  <a href="mailto:jar@idahowaters.com">jar@idahowaters.com</a>  <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a>  <a href="mailto:tlt@idahowaters.com">tlt@idahowaters.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> Email</p>

<p>Kathleen Marion Carr  U.S. Department of the Interior  960 Broadway, Ste 400  Boise, Idaho 83706  <a href="mailto:kathleenmarion.carr@sol.joi.gov">kathleenmarion.carr@sol.joi.gov</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> Email</p>
<p>David W. Gehlert  Natural Resources Section  Environment and Natural Resources Division  U.S. Dept of Justice  1961 Stout St., 8<sup>th</sup> Floor  Denver, CO 80294  <a href="mailto:david.gehlert@usdoj.gov">david.gehlert@usdoj.gov</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> Email</p>
<p>Matt J. Howard  U.S. Bureau of Reclamation  Pacific Northwest Region  1150 N. Curtis Road  Boise, ID 83706-1234  <a href="mailto:mhoward@pn.usbr.gov">mhoward@pn.usbr.gov</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> Email</p>
<p>Sarah H. Klahn  Mitra Pemberton  White &amp; Jankowski  511 16<sup>th</sup> Street, Ste 500  Denver, CO 80202  <a href="mailto:sarahk@white-jankowski.com">sarahk@white-jankowski.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> Email</p>
<p>Michael C. Creamer  Jeffrey C. Fereday  Givens Pursley  P.O. Box 2720  Boise, Idaho 83701-2720  <a href="mailto:mcc@givenspursley.com">mcc@givenspursley.com</a>  <a href="mailto:jcf@givenspursley.com">jcf@givenspursley.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> Email</p>
<p>Dean Tranmer  City of Pocatello  P.O. Box 4169  Pocatello, Idaho 83205  <a href="mailto:dtranmer@pocatello.us">dtranmer@pocatello.us</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Hand Delivery  <input checked="" type="checkbox"/> Email</p>

*Candice [Signature]*