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DEPARTMENT OF  
WATER RESOURCES

Randall C. Budge (ISB #1949)  
Candice M. McHugh (ISB #5908)  
RACINE OLSON NYE BUDGE &  
BAILEY, CHARTERED  
201 E. Center Street  
P.O. Box 1391  
Pocatello, ID 83201  
Telephone: (208) 232-6101  
Facsimile: (208) 232-6109

Attorneys for IGWA

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

IN THE MATTER OF DISTRIBUTION OF )  
WATER TO WATER RIGHTS NOS. 36-02356A, ) PETITION FOR RECONSIDERATION  
36-07210, AND 36-07427 ) OF DIRECTOR'S ORDER  
) APPROVING 2008 JOINT  
(Blue Lakes Delivery Call) ) REPLACEMENT WATER PLAN  
)

COME NOW, IDAHO GROUND WATER APPROPRIATORS, INC., NORTH SNAKE  
GROUND WATER DISTRICT, and MAGIC VALLEY GROUND WATER DISTRICT  
(collectively "IGWA" or "Ground Water Districts"), through counsel and hereby petitions for  
reconsideration of the Director's Order Approving 2008 Joint Replacement Water Plan dated July 1,  
2008 ("2008 Order").

**INTRODUCTION**

On April 9, 2007, North Snake Ground Water District and Magic Valley Ground Water  
District filed their Joint Replacement Water Plan for 2007, then on June 29, 2007, North Snake  
Ground Water District and Magic Valley Ground Water District filed their Joint Supplemental  
Replacement Water Plan. These Plans will be referred to collectively as the "2007 Replacement

ORIGINAL

Water Plans.”<sup>1</sup> As part of their 2007 Replacement Water Plans, the Ground Water Districts proposed the delivery of surface water to approximately 9,300 acres to conversion acres within NSGWD that had been converted from ground water irrigation to surface water irrigation. Surface water deliveries to these lands were made through the use of the North Side Canal Company delivery system in 2007.

This Petition for Reconsideration only requests reconsideration of matters relating to the Ground Water Districts’ 2007 Replacement Water Plan contained in the 2008 Order, not the approval of the Ground Water Districts’ 2008 Replacement Water Plan.

## ISSUES

### **Conversion Acres:**

Finding of Fact 11 of the 2008 Order states:

The North Snake Ground Water District has not reported annual groundwater diversions for all conversion wells. A disqualification of acres associated with non-reported wells has resulted in a reduction of reach gain credits for conversion projects. The deduction in reach gain credit totals 4,207 acre-feet. Disqualification of acres will continue in future years in the absence of reporting.

At the time the 2008 Order was issued, NSGWD was still in the process of gathering the annual ground water diversions for seven wells, but was unable to obtain all of the information on time. Yet, water was provided to all of the conversion acres as provided in the 2007 Replacement Water Plans. The failure of NSGWD to fully report the annual ground water diversions resulted in a disqualification of the related acres which also reduced the amount of credit received under the 2007 Replacement Water Plans for conversions. NSGWD has gathered additional annual ground water diversion data and has submitted it for consideration by IDWR. NSGWD will gather the remainder of the data and get it submitted to IDWR no later than July 18, 2008. The additional

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<sup>1</sup> On April 4, 2008, IGWA submitted the North Snake Ground Water District and Magic Valley Ground Water District Joint Replacement Water Plan for 2008 (“2008 Replacement Water Plan”).

ground water diversion data should increase the amount of credit the Ground Water Districts' receive for their conversion acres under their 2007 Replacement Water Plans.

**CREP:**

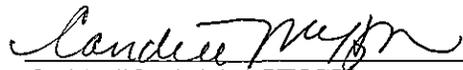
The Ground Water Districts in their 2007 Replacement Water Plans also proposed the use of the Conservation Reserve Enhancement Program (CREP) which reduces ground water withdrawals. The 2008 Order found that roughly 3.3 cfs resulted to the Devil's Washbowl to Buhl Spring Reach from the CREP acreage. However, it appears that this credit was underreported. Thus, the Ground Water Districts request that the amount of credit due under CREP in Finding of Fact 10 of the 2008 Order be recalculated.

**CONCLUSION**

The Ground Water Districts asked for reconsideration on the following points contained in the 2008 Order:

1. That any additional reported annual ground water diversions for conversion wells be included and credited to the 2007 Replacement Water Plan; and
2. That the credit given for the CREP acres be recalculated.

SUBMITTED this 15<sup>th</sup> day of July, 2008.

  
CANDICE M. McHUGH

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of July, 2008, the above and foregoing document was served in the following manner:

|   |  |
|---|--|
| David R. Tuthill, Director<br>Idaho Department of Water Resources<br>P.O. Box 83720<br>Boise, Idaho 83720-0098<br><u><a href="mailto:Dave.tuthill@idwr.idaho.gov">Dave.tuthill@idwr.idaho.gov</a></u>   | <input type="checkbox"/> U.S. Mail/Postage Prepaid<br><input type="checkbox"/> Facsimile<br><input type="checkbox"/> Overnight Mail<br><input checked="" type="checkbox"/> Hand Delivery<br><input checked="" type="checkbox"/> E-Mail |
| Daniel V. Steenson<br>Charles L. Honsinger<br>Ringert Clark<br>P.O. Box 2773<br>Boise, Idaho 83701-2773<br><u><a href="mailto:dvs@ringertclark.com">dvs@ringertclark.com</a></u><br><u><a href="mailto:clh@ringertclark.com">clh@ringertclark.com</a></u>   | <input type="checkbox"/> U.S. Mail/Postage Prepaid<br><input type="checkbox"/> Facsimile<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Hand Delivery<br><input checked="" type="checkbox"/> E-Mail            |
| Phillip J. Rassier<br>Chris Bromley<br>Idaho Department of Water Resources<br>P.O. Box 83720<br>Boise, Idaho 83720-0098<br><u><a href="mailto:Phil.rassier@idwr.idaho.gov">Phil.rassier@idwr.idaho.gov</a></u><br><u><a href="mailto:Chris.bromley@idwr.idaho.gov">Chris.bromley@idwr.idaho.gov</a></u> | <input type="checkbox"/> U.S. Mail/Postage Prepaid<br><input type="checkbox"/> Facsimile<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Hand Delivery<br><input checked="" type="checkbox"/> E-Mail            |
| North Snake GWD<br>152 East Main Street<br>Jerome, Idaho 83338<br><u><a href="mailto:nsgwd@safelink.net">nsgwd@safelink.net</a></u>   | <input type="checkbox"/> U.S. Mail/Postage Prepaid<br><input type="checkbox"/> Facsimile<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Hand Delivery<br><input checked="" type="checkbox"/> E-Mail            |
| Emily Haines<br>Magic Valley GWD<br>809 East 1000 North<br>Rupert, Idaho 83350-9537<br><u><a href="mailto:Emily@nuklean.com">Emily@nuklean.com</a></u>  | <input type="checkbox"/> U.S. Mail/Postage Prepaid<br><input type="checkbox"/> Facsimile<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Hand Delivery<br><input checked="" type="checkbox"/> E-Mail            |
| Michael S. Gilmore<br>Attorney General's Office<br>P.O. Box 83720<br>Boise, Idaho 83720-0010<br><u><a href="mailto:Mike.gilmore@ag.idaho.gov">Mike.gilmore@ag.idaho.gov</a></u>   | <input type="checkbox"/> U.S. Mail/Postage Prepaid<br><input type="checkbox"/> Facsimile<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Hand Delivery<br><input checked="" type="checkbox"/> E-Mail            |

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|--|--|
| <p>Jeff Fereday<br/> Mike Creamer<br/> Givens, Pursley<br/> P.O. Box 2720<br/> Boise, Idaho 83701-2720<br/> <a href="mailto:jcf@givenspursley.com">jcf@givenspursley.com</a><br/> <a href="mailto:mcc@givenspursley.com">mcc@givenspursley.com</a></p> | <p><input type="checkbox"/> U.S. Mail/Postage Prepaid<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> E-Mail</p> |
| <p>J. Justin May<br/> May, Sudweeks &amp; Browning<br/> P.O. Box 6091<br/> Boise, Idaho 83707<br/> <a href="mailto:jmay@may-law.com">jmay@may-law.com</a></p>  | <p><input type="checkbox"/> U.S. Mail/Postage Prepaid<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> E-Mail</p> |
| <p>John Simpson<br/> Travis L. Thompson<br/> Barker Rosholt<br/> P.O. Box 2139<br/> Boise, Idaho 83701-2139<br/> <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a><br/> <a href="mailto:tlt@idahowaters.com">tlt@idahowaters.com</a></p>    | <p><input type="checkbox"/> U.S. Mail/Postage Prepaid<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> E-Mail</p> |
| <p>Josephine P. Beeman<br/> Beeman &amp; Associates<br/> 409 W. Jefferson<br/> Boise, Idaho 83702<br/> <a href="mailto:Jo.beeman@beemanlaw.com">Jo.beeman@beemanlaw.com</a></p>  | <p><input type="checkbox"/> U.S. Mail/Postage Prepaid<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> E-Mail</p> |
| <p>Robert E. Williams<br/> Fredricksen Williams Meservy<br/> P.O. Box 168<br/> 153 E. Main Street<br/> Jerome, Idaho 83338-0168<br/> <a href="mailto:rewilliams@cableone.net">rewilliams@cableone.net</a></p>  | <p><input type="checkbox"/> U.S. Mail/Postage Prepaid<br/> <input type="checkbox"/> Facsimile<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Hand Delivery<br/> <input checked="" type="checkbox"/> E-mail</p> |

  
CANDICE M. McHUGH