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June 2, 2008

Director David K. Tuthill, Jr.
Idaho Department of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Idaho 83720-0098

Re: *In the Matter of Distribution of Water to Various Water Rights Held by of For the Benefit of A&B, BID, Milner, MID, NSCC, and TFCC (SWC Call Case)*

Dear Director Tuthill:

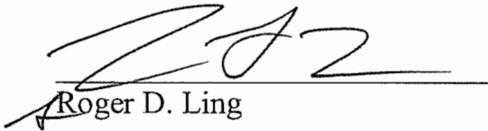
This letter initially responds to the *Eighth Supplemental Order Amending Replacement Water Requirements Final 2007 & Estimated 2008* (“*Eighth Supplemental Order*”) issued on May 23, 2008. The Surface Water Coalition previously commented on the outstanding injury issues relative to 2007 and the proposed system of administration for 2008 both at the April 15, 2008 meeting at IDWR’s State Office and through the *Surface Water Coalition’s Comments on Director’s 2007 Injury Calculations and April 14, 2008 Memorandum* filed on April 22, 2008. The Coalition readopts those positions and statements herein.

The undersigned do not agree that the *Eight Supplemental Order* is a final agency order in the above contested case, but instead that we await the final agency order after action upon Justice Schroeder’s *Opinion Constituting Findings of Fact, Conclusions of Law and Recommendation* issued on April 29, 2008. Historically, the Department has made it clear each time we have filed a petition and requested a separate hearing on *Supplemental Orders* pursuant to I.C. § 42-1701A(3) that the parties must await the hearing we have now conducted before Justice Schroeder upon which we now await a final order.

In the event that the above paragraph is incorrect and the *Eighth Supplemental Order* will become final unless a party requests a hearing thereon, we do hereby request such a hearing before an independent hearing officer.

Finally, in response to the *Eighth Supplemental Order* some of us received an email from IGWA's counsel on Friday May 30, 2008. We are attaching a copy of that email to ensure that all parties in this case receive notice of the filing and that it is part of the record in this matter. *See Attachment.*

CAPITOL LAW GROUP PLLC



Roger D. Ling

Attorney for A & B Irrigation District
and Burley Irrigation District

FLETCHER LAW OFFICES



W. Kent Fletcher

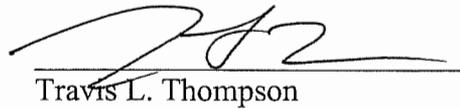
Attorneys for Minidoka Irrigation District



C. Tom Arkoosh

Attorneys for American Falls
Reservoir District #2

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

Attorneys for Milner Irrigation District,
North Side Canal Company, and
Twin Falls Canal Company

Enc.

cc: SWC Call Case Service List

Travis Thompson

From: Randy Budge [rcb@racinelaw.net]
Sent: Friday, May 30, 2008 4:22 PM
To: Swank, Lyle; Tuthill, Dave
Cc: Randy Budge; Olenichak, Tony; deegt@aol.com; Deegt@aol.com; Lynn Tominaga; John Simpson; Travis Thompson; Candice M. McHugh
Subject: IGWA's Compliance with 8th Supplemental Order Amending Replacement Water Requirements

Dear Lyle and Dave:

To comply with the Eight Supplemental Order Amending Replacement Water Requirements ordering IGWA to provide 1,369 acre-feet of water to TFCC to be reflected in the Water District 01's 2007 final water rights accounting, you are authorized to assign to TFCC's account that amount leased by IGWA from New Sweden Irrigation District. The administrative fees of \$1,916.60 (\$1.40 per acre-foot) is being mailed to Lyle Swank together with a copy of the lease agreement.

Randall C. Budge
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