

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY
CHARTERED**

201 EAST CENTER STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

www.racinelaw.net

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
CONRAD J. AIKEN
RICHARD A. HEARN, M.D.
DAVID E. ALEXANDER
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
STEPHEN J. MUHONEN
BRENT L. WHITING
JUSTIN R. ELLIS
JOSHUA D. JOHNSON
JONATHAN S. BYINGTON
DAVE BAGLEY
CAROL TIPPI VOLYN
THOMAS J. BUDGE
CANDICE M. MCHUGH

BOISE OFFICE
101 SOUTH CAPITOL
BOULEVARD, SUITE 208
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

IDAHO FALLS OFFICE
477 SHOUP AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 528-8101
FACSIMILE: (208) 528-6109

**COEUR D'ALENE
OFFICE**
250 NORTHWEST
BOULEVARD, SUITE 106A
COEUR D'ALENE, ID 83814
TELEPHONE: (208) 765-6888

ALL OFFICES TOLL FREE
(877) 232-6101

LOUIS F. RACINE (1917-2008)
WILLIAM D. OLSON, OF COUNSEL

June 5, 2008

David R. Tuthill, Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

RECEIVED
JUN 09 2008
DEPARTMENT OF
WATER RESOURCES

Re: *SWC Delivery Call*
Eighth Supplemental Order

Dear Director Tuthill:

This letter is written regarding the *Eighth Supplemental Order Amending Replacement Water Requirements Final 2007 & Estimated 2008* ("Eighth Supplemental Order") issued in this matter and in response to the Surface Water Coalition's letter dated June 2, 2008. Procedurally, IGWA's understanding is the same as the SWC in that the Eighth Supplemental Order is not a final agency order requiring a request for a hearing under I.C. §42-1701A(3) because the hearing conducted before Hearing Officer Schroeder subsumed these questions and we are still awaiting a final and complete decision by Hearing Officer Schroeder.

IGWA also provided comments by letter dated April 25, 2008, prior to the issuance of the *Eighth Supplemental Order* and incorporates those comments by reference here.

Sincerely,


RANDALL C. BUDGE

RCB:rr

cc: SWC Service List