



positions in this matter, and further readopted its positions set forth in SWC's *Petition for Partial Reconsideration* of the Recommended Order filed May 13, 2008. The SWC's *Exceptions* are insufficient under the IDWR Procedural Rules because they do not fully state the facts upon which they are based or the particular provision of the order on which they are based. As such, the SWC's *Exceptions* should be limited to the arguments presented in the *SWC's Petition for Partial Reconsideration*.

### ARGUMENT

Pursuant to the Idaho Department of Water Resources ("IDWR") Rule of Procedure 230.01.a, SWC's *Exceptions* constitutes a "petition" because it is a pleading requesting modification, amendment or stay of an existing order or rule. Pursuant to IDWR Rule of Procedure 230.02, a "petition" must (a) fully state the facts upon which its arguments are based, and (b) refer to the particular provisions of statute, rule, order or other controlling law upon which they are based.

Notably, the SWC's *Exceptions* fail to state any facts upon which they are based. Rather, they merely express dissatisfaction with the Recommended Order in so far as it did not adopt the positions previously advanced by the SWC. In addition, the SWC's *Exceptions* also fail to identify the particular facts or findings contained in the Recommended Order to which they take exception. This unspecific and generalized statement of dissatisfaction with the Recommended Order fails to comply with the IDWR Rules of Procedure. The SWC's *Exceptions* must therefore be rejected.

### CONCLUSION

Based upon the foregoing, the SWC's *Exceptions* to the Recommended Order must be rejected.

SUBMITTED this 18<sup>th</sup> day of July, 2008

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*F-02*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18<sup>th</sup> day of July, 2008, 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.

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