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Idaho State Bar Number 7018

BEFORE THE DEPARTMENT OF WATER RESOURCES  
STATE OF IDAHO

IN THE MATTER OF APPLICATION  
FOR TRANSFER NO. 73951 (in the  
name of Mud Lake Water Users, Inc.)

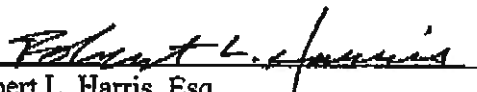
**PETITION FOR RECONSIDERATION**

Mud Lake Water Users, Inc. ("MLWU"), by and through its counsel of record, Robert L. Harris of Holden, Kidwell, Hahn & Crapo, PLLC, hereby petition for reconsideration of the Preliminary Order in this matter served on September 18, 2009, and received by MLWU on September 22, 2009. The primary purpose for the petition is to preserve reconsideration of the order, as MLWU and their counsel have not had sufficient time to review the order in light of conflicting schedules due to harvesting activities. MLWU has a scheduled meeting for next week to discuss the matter with counsel.

A preliminary statement of issues that may be requested to reconsider is (1) the denial of the transfer for Water Right Nos. 31-329 and 31-331, and (2) Further clarification of the volume limitation included in the approval. MLWU will inform the hearing officer and the parties by an additional pleading if it is determined that certain issues need to be reconsidered once they meet to discuss the order, and indeed, it is possible that this petition may also be withdrawn. To the extent issues do need to be reconsidered, MLWU will provide additional briefing on the matter.

DATED this 2<sup>nd</sup> day of October, 2008.

HOLDEN, KIDWELL, HAHN & CRAPO, PLLC

  
Robert L. Harris, Esq.  
Attorneys Mud Lake Water Users, Inc.

### CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, on this 2<sup>nd</sup> day of October, 2009.

**DOCUMENT SERVED: PETITION FOR RECONSIDERATION**

**ATTORNEYS AND/OR INDIVIDUALS SERVED:**

US Fish and Wildlife Service  
Barbara Scott-Brier  
911 NE 11<sup>th</sup> Ave, 2W-EN  
Portland, OR 97232

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Ernie Carlsen  
Idaho Department of Water Resources  
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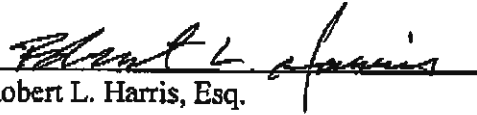
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Robert L. Harris, Esq.  
Holden, Kidwell, Hahn & Crapo, PLLC

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**FACSIMILE TRANSMITTAL SHEET**

**DATE:** October 2, 2009

**TO:** Ernie Carlsen

**FAX #:** 525-7177

**FROM:** Robert L. Harris

**FAX #:** (208) 523-9518

**RE:** Mud Lake Water Users, Transfer No.: 73951

**ITEMS SENT:** PETITION FOR RECONSIDERATION

**NO. OF PAGES INCLUDING TRANSMITTAL SHEET:** 4

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Telecopier Operator  
Cheri Vandermeulen