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JUN 2 - 2000

Department of Water Resources

Robert E. Williams
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IDAHO STATE BAR NO. 1693
Attorney for Gunning Dairy

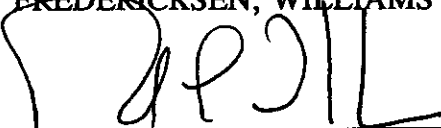
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF DIVERSION)
AND USE OF WATER NOT IN)
CONFORMANCE WITH)
CONDITIONS OF APPROVAL OF) PETITION FOR RECONSIDERATION
TRANSFER NO. 5197 INVOLVING) OF PRELIMINARY ORDER DATED
WATER RIGHTS NOS. 36-02457B,) MAY 25, 2000
36-07760B, AND 36-08063F IN THE)
NAME OF F.F. GUNNING)

COMES NOW, the Applicant, Gunning Dairy, through its attorney, Robert E. Williams of the firm of Fredericksen, Williams and Meservy, and petitions the agency for reconsideration of its Preliminary Order dated May 25, 2000. This petition is supported by the Affidavit of Robert E. Williams, filed herewith. Because negotiations with Gooding County were ongoing until May 25, 2000, regarding the subject matter of this proceeding, and for the additional reasons identified in the affidavit, Petitioner requests that the preliminary order be withdrawn and that the Department take no further action in this matter until the Declaratory Judgment action to be filed by the Petitioner against Gooding County is finally resolved.

DATED this 1st day of June, 2000.

FREDERICKSEN, WILLIAMS & MESERVY


ROBERT E. WILLIAMS
Attorney for Applicant/Petitioner

PETITION FOR RECONSIDERATION OF PRELIMINARY ORDER DATED MAY 25, 2000

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this date I caused a true and correct copy of the foregoing instrument to be served upon the following:

L. Glen Saxton
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Philip A. Brown
Prosecuting Attorney
PO Box 86
Gooding, ID 83330

Idaho Department of Water Resources
1341 Fillmore St Suite 200
Twin Falls, ID 83301

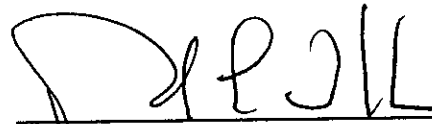
Don Cogger
2923 South 2200 East
Wendell, ID 83355

Marv Patton
Idaho Department of Agriculture
Bureau of Dairying
2270 Old Penitentiary Road
PO Box 790
Boise, ID 83701

Patrick D. Brown
109 South Adams Street
Jerome, ID 83338

 x By depositing copies of the same in the United States mail, postage prepaid, at the post office at Jerome, Idaho.

DATED: 6/1, 2000



ROBERT E. WILLIAMS

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this date I caused a true and correct copy of the foregoing instrument to be served upon the following:

L. Glen Saxton
Idaho Department of Water Resources
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DATED: 6/1/, 2000



ROBERT E. WILLIAMS