

LOUIS F. RACINE, JR.  
WILLIAM D. OLSON  
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 S. HUNN  
DAVID E. ALEXANDER\*\*  
JAMES P. PRICE\*\*\*  
LISA M. CHRISTON\*\*\*\*  
RICHARD A. HEARN, M.D.\*\*\*\*\*  
ERIC L. OLSEN

\*ALSO MEMBER IL & WY BARS  
\*\*ALSO MEMBER MO BAR  
\*\*\*ALSO MEMBER CO BAR  
\*\*\*\*ALSO MEMBER IL BAR  
\*\*\*\*\*ALSO MEMBER D.C. BAR

LAW OFFICES OF  
**RACINE, OLSON, NYE, BUDGE & BAILEY**  
CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER

POST OFFICE BOX 1391

POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101

FAX (208) 232-6109

ASSOCIATED WITH  
McGRATH, SMITH  
& ASSOCIATES  
414 SHoup  
P. O. BOX 50731  
IDAHO FALLS, ID 83405  
TEL (208) 524-0731  
FAX (208) 529-4166

STEPHEN J. McGRATH  
BRYAN D. SMITH†  
NEAL S. RANDALL  
†ALSO ADMITTED IN CA

February 25, 1999

Transmitted Via Fax and U.S. Mail:  
208-327-7866

Karl Dreher, Director  
Idaho Department of Water Resources  
1301 N. Orchard  
Boise, Idaho 83706

RECEIVED

FEB 26 1999

Department of Water Resources  
Eastern Region

**Re: BRWUA - City of Montpelier Petition for Reconsideration**

Dear Karl:

Enclosed for filing please find Bear River Water Users Association's Response to Petition for Reconsideration filed to the Bear River Ground Water Management Area Preliminary Order filed by the City of Montpelier.

Sincerely,

  
RANDALL C. BUDGE

RCB:rr  
Enclosure

Randall C. Budge  
RACINE, OLSON, NYE, BUDGE  
& BAILEY, CHARTERED  
P.O. Box 1391; 201 E. Center Street  
Pocatello, Idaho 83204-1391  
Telephone: 208-232-6101

D. Brent Rose  
Clyde, Snow, Sessions & Swenson  
201 South Main Street  
Salt Lake City, Utah 84111-2208

Attorneys for Bear River Water Users Association, Inc.

**BEFORE THE  
DEPARTMENT OF WATER RESOURCES  
STATE OF IDAHO**

In the Matter of Applications for	)	
Permits for Diversion and Use of	)	<b>Bear River Water Users Association's</b>
Surface and Ground Water Within the	)	<b>Response to City of Montpelier's</b>
Bear River Drainage and Great Basin	)	<b>Petition for Reconsideration</b>
Tributaries	)	
_____	)	

COMES NOW the Bear River Water Users Association ("BRWUA"), by and through its attorneys of record Randall C. Budge of Racine, Olson, Nye, Budge & Bailey, and D. Brent Rose of Clyde, Snow, Sessions & Swenson, and hereby responds to the Petition for Reconsideration filed by the City of Montpelier on January 28, 1999, to the Idaho Department of Water Resources' ("IDWR") Preliminary Order dated January 11, 1999, designating the Bear River Ground Water Management Area ("Preliminary Order").

BRWUA respectfully submits that the Director should deny the City's Petition for Reconsideration and enter a Final Order as proposed designating the Bear River Ground Water Management Area. Further, that IDWR should without delay proceed to establish the Bear River Water Management Advisory Committee and move forward with the preparation of a Management Plan in accordance with the proposed Order.

BRWUA fully supports, joins in, and adopts by reference the Response filed herein by PacifiCorp to the City's Petition, without further comment.

DATED this 25<sup>th</sup> day of February, 1999.

RACINE, OLSON, NYE, BUDGE &  
BAILEY, CHARTERED

By RM  
RANDALL C. BUDGE

CLYDE, SNOW, SESSIONS & SWENSON  
D. Brent Rose, Attorney  
201 South Main Street  
Salt Lake City, Utah 84111-2208

# CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 25<sup>th</sup> day of February, 1999, I mailed a true and complete copy of the foregoing document, postage prepaid, to the following:

Idaho Department of Water Resources  
1301 N. Orchard  
Boise, Idaho 83706

Jody L. Williams  
Kruse, Landa & v Maycock, L.L.C.  
P.O. Box 45561  
8<sup>th</sup> Floor, Bank One Tower  
50 West Broadway (300 South)  
Salt Lake City, Utah 84101-2034

D. Brent Rose  
Clyde, Snow, Sessions & Swenson  
201 South Main Street  
Salt Lake City, Utah 84111-2208

Mark Gibbs, President  
Bear River Water Users Association  
632 Highway 34  
Grace, Idaho 83241

Kent Hortin, Secretary  
Bear River Water Users Association  
597 Wasatch Boulevard  
Smithfield, Utah 84335

Stephen S. Dunn  
Merrill & Merrill  
P.O. Box 991  
Pocatello, Idaho 83204-0991

---

RANDALL C. BUDGE