

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

IN THE MATTER OF DISTRIBUTION OF WATER)	
TO VARIOUS WATER RIGHTS HELD BY OR FOR)	Docket No. CM-DC-2010-001
THE BENEFIT OF A&B IRRIGATION DISTRICT,)	
AMERICAN FALLS RESERVOIR DISTRICT #2,)	ORDER LIFTING STAY OF THE
BURLEY IRRIGATION DISTRICT, MILNER)	ORDER REVISING APRIL 2013
IRRIGATION DISTRICT, MINIDOKA IRRIGATION)	FORECAST SUPPLY
DISTRICT, NORTH SIDE CANAL COMPANY,)	
AND TWIN FALLS CANAL COMPANY)	(METHODOLOGY STEPS 6 – 8)
_____)	

FINDINGS OF FACT

1. On August 27, 2013, the Director of the Idaho Department of Water Resources (“Director” or “Department”) issued his *Order Revising April 2013 Forecast Supply (Methodology Steps 6 – 8)* (“Steps 6 – 8 Order”). The Steps 6 – 8 Order concluded that American Falls Reservoir District # 2 (“AFRD2”) and Twin Falls Canal Company (“TFCC”) are expected to experience material injury.

2. The Steps 6 – 8 Order directed the Water District 01 watermaster (“watermaster”) to assign 7,300 acre-feet of the 14,200 acre feet mitigation storage water secured by Idaho Ground Water Appropriators Inc. (“IGWA”) to AFRD2. The Steps 6 – 8 Order also directed the watermaster to assign the remaining 6,900 acre-feet of IGWA’s secured water to TFCC. The assignments were ordered to occur no later than August 30, 2013.

3. On August 30, 2013, the Director issued an *Order Staying the Order Revising April 2013 Forecast Supply (Methodology Steps 6 – 8)*. The Director had received questions from the watermaster about a previous assignment of water by IGWA. The Director stayed the Steps 6 – 8 Order to ensure that water is properly assigned to AFRD2 and TFCC.

4. To date, according to the watermaster, 10,450 acre-feet of water has been assigned to TFCC by IGWA.

5. The watermaster has confirmed that IGWA has sufficient storage supplies to provide AFRD2 with the 7,300 acre-feet ordered in the Steps 6 – 8 Order.

CONCLUSIONS OF LAW


1. Implicit in the authorization to issue a stay is an agency's authority to lift the stay. *See* IDAPA 37.01.01.780. The watermaster's questions regarding the assignment of water have been addressed and the Director concludes that a stay is no longer necessary to ensure that water is appropriately assigned from IGWA to AFRD2 and TFCC.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED as follows:

1. The stay of the Steps 6 – 8 Order is LIFTED.
2. The watermaster has assigned 6,900 acre-feet to TFCC as required under the Steps 6 – 8 Order. It is unnecessary, within the context of the Steps 6 – 8 Order, for the watermaster to assign any additional water to TFCC or to undo any assignment from IGWA to TFCC that has already taken place.
3. The watermaster shall immediately assign 7,300 acre-feet from IGWA to AFRD2 consistent with the Steps 6 – 8 Order.

Dated this 3rd day of September, 2013.



GARY SPACKMAN
Director


FOR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of September, 2013, the above and foregoing, was served by the method indicated below, and addressed to the following:

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