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**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 THE BENEFIT OF)
A&B IRRIGATION DISTRICT,)
AMERICAN FALLS RESERVOIR)
DISTRICT #2, BURLEY IRRIGATION)
DISTRICT, MILNER IRRIGATION)
DISTRICT, MINIDOKA IRRIGATION)
DISTRICT, NORTH SIDE CANAL)
COMPANY, AND TWIN FALLS)
CANAL COMPANY)
_____)

Docket No. CM-DC-2010-001

**SURFACE WATER COALITION'S
PETITION FOR RECONSIDERATION**

***FINAL ORDER ESTABLISHING 2014
REASONABLE CARRYOVER (STEP 9)***

COME NOW, A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company (collectively hereafter referred to as the "Surface Water Coalition", "Coalition", or "SWC"), by and through counsel of record, and hereby submit their *Petition for Reconsideration of Final Order Establishing 2014 Reasonable Carryover (Step 9)* pursuant to the Department's Rules of Procedure (IDAPA 37.01.01. *et seq.*).

REASONS FOR PETITION

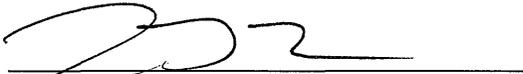
First, the Coalition disputes the Director's continued reference to and use of the Methodology Order issued on June 23, 2010. *See 2014 Step 9 Order* at 1, 3 (including referencing Step 10). The reference and reliance upon the June 23, 2010 Methodology Order for continued conjunctive administration does not comply with the District Court's recent decision in *IGWA et al. v. Spackman* (Gooding County Dist. Ct., Fifth Jud. Dist., Consolidated Case No. CV-2010-382, September 26, 2014). *See Memorandum Decision and Order on Petitions for Judicial Review ("Memorandum Decision")*. Notably, relying upon the Director's April decision as conclusive for purposes of determining the 2014 in-season material injury is contrary to the Court's judgment. *See 2014 Step 9 Order* at 4; *Memorandum Decision* at 10-15. As such, any continued reference to or use of the prior methodology without the changes required by the court's final judgment is unlawful and void. The Coalition requests the Director to reconsider and correct the 2014 Step 9 Order accordingly.

Next, the Director continues to use erroneous irrigated acreage information for the crop water need calculations for Burley Irrigation District, Minidoka Irrigation District, and Twin Falls Canal Company. *See 2014 Step 9 Order* at 2. The Director's use of such data wrongly understates those entities' 2014 crop water needs and further violates the District Court's judgment in this matter. *See Memorandum Decision* at 40-42 ("In doing so, the Director calculated the crop water needs of those entities based on less irrigated acres than that provided by those entities. . . . Since the Director's decision to deviate from step 2 in this respect is not supported by reasoning it is hereby set aside and remanded for further proceedings as necessary"). The order should be reconsidered and corrected accordingly.

For the foregoing reasons the Coalition requests the Director to grant the petition, reconsider the 2014 Step 9 Order, and correct the noted errors.

DATED this 10th day of December, 2014.

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FLETCHER LAW OFFICE

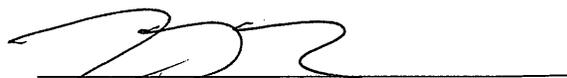


*Attorneys for Minidoka Irrigation
District and American Falls
Reservoir District #2*

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of December, 2014, I served a true and correct copy of the foregoing *Surface Water Coalition's Petition for Reconsideration Final Order Establishing 2014 Reasonable Carryover (Step 9)* on the following by the method indicated:

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