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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

A&B IRRIGATION DISTRICT,)	
AMERICAN FALLS RESERVOIR)	CASE NO. CV 2008-551
DISTRICT #2, BURLEY IRRIGATION)	
DISTRICT, MILNER IRRIGATION)	SURFACE WATER COALITION'S
DISTRICT, MINIDOKA IRRIGATION)	OBJECTION TO ORDER STAYING
DISTRICT, NORTH SIDE CANAL)	DECISION
COMPANY and TWIN FALLS CANAL)	
COMPANY,)	
)	
Petitioners,)	
)	
vs.)	
)	
GARY SPACKMAN, in his capacity as Interim)	
Director of the Idaho Department of Water)	

Resources, and THE IDAHO DEPARTMENT)
OF WATER RESOURCES,)

Respondents.)

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)

A & B Irrigation District (A & B), American Falls Reservoir District #2 (AFRD2), Burley Irrigation District (BID), Milner Irrigation District (Milner), Minidoka Irrigation District (MID), North Side Canal Company (NSCC), and Twin Falls Canal Company (TFCC) (collectively hereafter referred to as the “Surface Water Coalition”, “Coalition”, or “SWC”), by and through their undersigned counsel, file this Objection to that Order Staying Decision on Petition for Rehearing dated March 4, 2010, pursuant to the terms of that Order.

As one of the issues raised by the Ground Water Users (GWU) in their *Petition for Rehearing*, the GWU argued that there were sufficient facts and evidence in the record for IDWR to issue an order establishing the methodology for determining material injury and reasonable carryover without holding any additional hearings. At the oral argument on the Petitions for Rehearing held February 23, 2010, it was the understanding of the SWC that rather than rule on this issue, all parties agreed that the Court could forego rendering a decision on this issue until the Director issues a *Final Order* determining material injury to reasonable in season demand and reasonable carryover by March 31, 2010.

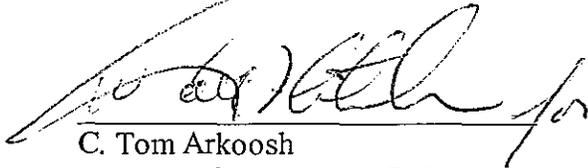
However, the SWC also understood that the Court would issue an additional order addressing other issues on rehearing, particularly the issue pertaining to whether the Director, once an injury

determination is made, has discretion to require a hearing prior to administration of junior ground water rights. It is critical that the Court address this issue prior to the upcoming irrigation season.

The issue is fully briefed by all parties. The SWC requests that the Court render a decision on the “discretion to require a hearing before administration” issue and remand the decision of the Court to the Director so that the Director can incorporate the Court’s determination into the *Final Order* that is due on March 31, 2010.

DATED this 10th day of March, 2010.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10 day of March, 2010, I served true and correct copies of the *Surface Water Coalition's Objection to Order Staying Decision* upon the following by the method indicated:

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