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Carey, Declo, Dietrich, Gooding, Hazelton,
Heyburn, Jerome, Paul, Richfield, Rupert,
Shoshone, and Wendell*

**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

**COALITION OF CITIES' REQUEST
FOR HEARING**

COME NOW, the Cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell (“Coalition of Cities”), by and through their attorneys of record, McHugh Bromley, PLLC and files this Request for Hearing in the above captioned matter.

REQUEST FOR HEARING

Pursuant to Idaho Code § 42-1701(A)(3), the Coalition of Cities requests a hearing on the Department's *Fifth Amended Methodology Order Regarding Methodology For Determining Material Injury to Reasonable In-Season Demand And Reasonable Carryover*, issued April 14, 2023. Among the issues the Coalition of Cities has identified for hearing:

- a) IDWR's new reliance on transient modeling;
- b) IDWR's failure to properly identify the Surface Water Coalition's ("SWC") irrigated acreage used in the determination of reasonable in-season demand;
- c) IDWR's failure to consider the Twin Falls Canal Company's increase in diversions over the last twenty years;
- d) IDWR's failure to consider changes in the efficiency of the SWC's operations;
- e) IDWR's failure to consider all sources of supply available to the SWC;
- f) IDWR's use of 2018 as the new baseline year;
- g) IDWR's failure to apply Conjunctive Management Rule 20.03 and principles of reasonableness generally; and
- h) IDWR's violation of due process rights of all interested water users by:
 - i) by engaging in an apparently sham public process related to the Department's convening of the "Technical Work Group" to discuss modifications to the Fourth Methodology Order and then largely ignoring that group's recommendations; and
 - ii) by a continued abuse of process, authority and power in setting the hearing without regard to the time required for discovery and without consideration of the existing obligations of the parties, their legal representatives and consultants and reflecting bias against junior water right uses.

Submitted this 28th day of April, 2023

MCHUGH BROMLEY, PLLC

/s/ Candice M. McHugh
Candice M. McHugh
Attorney for Coalition of Cities

/s/ Chris M. Bromley
Chris M. Bromley
Attorney for Coalition of Cities

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of April, 2023, the above and foregoing, was served by the method indicated below, and addressed to the following:

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