

May 04, 2023

DEPARTMENT OF
WATER RESOURCES

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Attorneys for Bonneville-Jefferson Ground Water District

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE DISTRIBUTION
OF WATER TO VARIOUS WATER RIGHTS
HELD BY AND 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

**BONNEVILLE-JEFFERSON
GROUND WATER DISTRICT'S
REQUEST FOR HEARING**

The Bonneville-Jefferson Ground Water District (hereafter “Bonneville-Jefferson”), acting for and on behalf of its respective members, through counsel, submits this Request for Hearing pursuant to Idaho Code § 42-1701(A)(3), Idaho Code § 67-5246(4), and Rule 740.02.b. of the Rules of Procedure of the Idaho Department of Water Resources, requesting a hearing on the Department’s *Fifth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* (“Fifth Methodology Order”)

and *Final Order Regarding April 2023 Forecast Supply* (“April 2023 As-Applied Order”) issued April 21, 2023.

Bonneville-Jefferson is in the process of reviewing the Fifth Methodology Order and the April 2023 As-Applied Order, but plans to address the issues identified in the Coalitions of Cities’ *Amended Request for Hearing* and Pocatello’s *Request for Hearing* filed April 28, 2023. In addition, Bonneville-Jefferson identifies the following issues for the hearing so far:

- 1) The procedures and process used by the Department in issuing the Methodology Order.
- 2) The technical rationale for the Methodology Order.
- 3) The policy behind changing to transient state modeling in the Methodology Order.
- 4) The analysis and factual basis used in the Methodology Order.
- 5) The Department’s new reliance on transient modeling.
- 6) The Department’s failure to consider the Twin Falls Canal Company’s increase in diversions over the last twenty years.
- 7) The Department’s failure to consider changes in the efficiency of the SWC’s operations.
- 8) The Department’s failure to consider all sources of supply available to the SWC
- 9) The Department’s rationale and factual basis for using 2018 as the new baseline year.
- 10) The definition of futile call, including waste, reasonable time, and efficiency.
- 11) Whether the Methodology Order results in the optimum development of water resources in the public interest.
- 12) Whether the Methodology Order is contrary to the State’s interest in securing the maximum use and benefit, and least wasteful use, of its water resources

- 13) Whether the Methodology Order permits SWC to command the entirety of large volumes of water in a surface or ground water source to support its appropriation contrary to the public policy of reasonable use of water as described in the Rules for Conjunctive Management of Surface and Ground Water Resources, IDAPA 37.03.11.
- 14) Whether the Department provided due process to water users in issuing the Methodology Order.
- 15) Bonneville-Jefferson reserves the right to present additional issues that may be revealed through the discovery process.

Bonneville-Jefferson reserves the right to identify additional ground for contesting the Director's action once it completes a thorough review of the Fifth Methodology Order and the As-Applied Order.

Respectfully submitted this the 4th day of May 2023.

DATED: May 4, 2023

OLSEN TAGGART PLLC

/s/ *Skyler C. Johns*

SKYLER C. JOHNS

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of May 2023, I served the foregoing document on the persons below via email as indicated:

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