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Attorneys for the City of Idaho Falls

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

**CITY OF IDAHO FALLS
CHALLENGE AND REQUEST FOR
HEARING**

The City of Idaho Falls (“Idaho Falls” or “City”), by and through its counsel, Holden, Kidwell, Hahn & Crapo, P.L.L.C., petitions for a hearing pursuant to Idaho Code § 42-1701A(3) in the above-captioned matter.

On April 21, 2023, the Director of the Idaho Department of Water Resources (“IDWR” or “Department”) issued a *Fifth Amended Methodology Order Regarding Methodology for Determining material Injury to Reasonable In-Season Demand And Reasonable Carryover* (the “Methodology Order”) and a *Final Order Regarding April 2023 Forecast Supply* (“2023 As-Applied Order”). The City objects to the *Methodology Order* and the *2023 As-Applied Order*, and

because the only relief allowed for in the *Methodology Order* and the *2023 As-Applied Order* is to contest this action by requesting a hearing, the City hereby requests a hearing in this matter pursuant to Idaho Code § 42-1701A(3). The City reserves the right to supplement this filing with a list of issues when so directed in this contested case.

Dated this 4th day of May, 2023.

/s/ Robert L. Harris
Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of May, 2023, I served a true and correct copy of the following described pleading or document on the attorneys and/or individuals listed below by the method(s) indicated.

DOCUMENT SERVED: CITY OF IDAHO FALLS CHALLENGE AND REQUEST FOR HEARING

ATTORNEYS AND/OR INDIVIDUALS SERVED:

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