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## 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

#### **IGWA's Statement of Issues**

Idaho Ground Water Appropriators, Inc. (IGWA), acting for and on behalf of North Snake Ground Water District, Carey Valley Ground Water District, Magic Valley Ground Water District, Aberdeen-American Falls Area Ground Water District, Jefferson-Clark Ground Water District, Madison Ground Water District, and Henry's Fork Ground Water District, files this statement of issues pursuant to the *Scheduling Order and Order Authorizing Remote Appearance at Hearing* issued May 2, 2023, in this matter.

This proceeding involves the *Fifth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* ("Fifth Methodology Order") issued only three weeks ago, on April 21-2023. It was issued without a prior hearing and is based on evidence that is not in the record of this contested case. Consequently, it is impossible at this stage for IGWA to identify all issues it wishes to address at the hearing in this matter. IGWA is still in the process of retaining technical experts needed to

analyze certain components of the Fifth Methodology Order. IGWA cannot provide a definitive list of issues it wishes to address until discovery has been completed and IGWA's technical experts complete their review of the facts and analyses utilized by the Department in developing the Fifth Methodology Order.

Until then, IGWA preliminarily identifies as issues for hearing all issues listed in *Pocatello's Statement of Issues* filed May 4, 2023, and *Coalition of Cities Statement of Issues* filed May 5, 2023. IGWA reserves the right to address issues identified by any other party to this proceeding, and any additional issues that IGWA identifies during discovery and develops in preparation for hearing in this matter.

As counsel for IGWA represented to the Director at the pre-hearing conference held April 28, 2023, the hearing currently scheduled for June 6-10, 2023, does not afford adequate time for IGWA to complete discovery, conduct a thorough review of all components of the Fifth Methodology Order, perform site investigations, develop expert reports, develop and organize evidence for presentation at the hearing, and otherwise fairly prepare for the hearing. Therefore, if the hearing is not continued until at least October, IGWA will be deprived of due process, and will not be able to address all issues raised by the Fifth Methodology Order.


DATED this 5<sup>th</sup> day of May, 2023.

RACINE OLSON, PLLP

By:   
Thomas J. Budge  
*Attorneys for IGWA*

## CERTIFICATE OF SERVICE

I hereby certify that on this 5<sup>th</sup> day of May, 2023, I served the foregoing document on the persons below via email or as otherwise indicated:

  
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Thomas J. Budge

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