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**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

**SURFACE WATER COALITION'S
REQUEST FOR HEARING AND
STATEMENT OF ISSUES**

COME NOW, 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 ("Surface Water Coalition" or "Coalition"), by and through
counsel of record, and hereby request a hearing in the above-referenced matter pursuant to I.C. §
42-1701A(3) and submit the following list of issues regarding the Director's *Fifth Amended*

Order Regarding Methodology et al. and the *Final Order Regarding April 2023 Forecast Supply* issued on April 21, 2023.

I. *Fifth Methodology Order*

The Coalition requests a hearing on the following issues:

- 1) Whether 2018 is the proper baseline year for each Coalition member pursuant to the criteria identified in the methodology order;
- 2) Whether the reasonable carryover amounts identified for each Coalition member are proper pursuant to the criteria identified in the methodology order;
- 3) Whether current year project efficiency is recalculated for each year after Cropland Data Layer (CDL) data for this year becomes available and prior to this current year's project efficiency being used in the 15-year rolling average;
- 4) Whether current year project efficiency is recalculated for each year after CDL updates become available and are included in the 15-year rolling average; and
- 5) Whether the Coalition members can receive assigned mitigation storage water if they do not participate in the Water District 01 rental pool.

II. *April As Applied Order*

The Coalition requests a hearing on the following issue:

- 1) Whether the order provides that IGWA has an option to comply with the mitigation plan approved in CM-MP-2016-001 to avoid curtailment by complying with the mitigation plan approved in CM-MP-2009-007 instead;

A&B Irrigation District requests a hearing on the following issues:


- 1) Whether the order's identified proportionate share (458 acre-feet) of the predicted injury (75,200 acre-feet) to TFCC is calculated correctly based upon A&B's actual diversion

and use of water rights that are subject to the identified curtailment date (junior to December 30, 1953); and

- 2) Whether the steady-state use of the ESPAM 2.2 in identifying A&B's proportionate share is consistent with the transient use of the model in identifying ground water rights subject to curtailment as outlined in the *Fifth Methodology Order*.

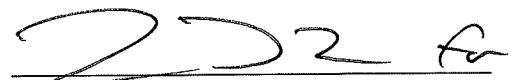
DATED this 5th day of May, 2023.

MARTEN LAW LLP


Travis L. Thompson

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District, North Side Canal Company, and
Twin Falls Canal Company*

FLETCHER LAW OFFICE


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Irrigation District*

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of May, 2023, I served a true and correct copy of the foregoing on the following by the method indicated:

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