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DEPARTMENT OF
WATER RESOURCES

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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

**IGWA’s Petition for Reconsideration
of Order Determining Deficiency in
IGWA’s Notice of Secured Water**

Idaho Ground Water Appropriators, Inc. (“IGWA”), acting on behalf of North Snake Ground Water District, Carey Valley Ground Water District, Magic Valley Ground Water District, Aberdeen-American Falls Ground Water District, Jefferson-Clark Ground Water District, Madison Ground Water District, Henry’s Fork Ground Water District, Bonneville-Jefferson Ground Water District, and Bingham Ground Water District, through counsel, submit this petition for reconsideration of the *Order Determining Deficiency in IGWA’s Notice of Secured Water* issued May 23, 2023 (“*Order*”) in this matter.

First, IGWA respectfully requests that the Director withdraw the new requirement that Water District 1 fees be paid before the Director will accept signed storage water lease or option contracts as proof of IGWA’s ability to provide storage water as mitigation. The order approving the 2009 Storage Water Mitigation Plan does not require payment of fees prior to the delivery of storage water to the SWC; it simply requires “proof of rental or an option to rent storage water,” evidenced by “fully executed and irrevocable contracts with holders of Snake River storage.” (*Order Approving Mitigation Plan*, IDWR Docket No. CM-MP-2009-007, June 3, 2010.) IGWA has traditionally waited until July or August to pay Water District 1 fees on storage water that is provided to the Surface Water Coalition (SWC) as mitigation, without issue. IGWA has never

failed to pay such fees. Moreover, fees cannot be paid on water secured by option contract until the option is exercised, which may not occur until after Steps 6 and 7 of the Methodology Order.

Second, the *Order* questions IGWA's compliance with the 2009 Storage Water Mitigation Plan on the basis that "it is unclear whether IGWA has the authority to submit the ground water districts contracts to the Director for consideration." *Order* at 5). This conjecture is without merit as the districts in question (Bingham Ground Water District and Bonneville-Jefferson Ground Water District) are members of IGWA, regardless of their decision to appear separately in select matters. *IGWA's Notice of Ground Water District Mitigation* states explicitly that it is submitted on behalf of all of IGWA's member ground water districts. If Bingham Ground Water District or Bonneville-Jefferson Ground Water District contested IGWA's authority to provide notice of mitigation on their behalf, they would have said so. They have not.

DATED June 6, 2023.

RACINE OLSON, PLLP

By: 
Thomas J. Budge
Attorneys for IGWA

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June, 2023, I served the foregoing document on the persons below via email or as otherwise indicated:


Thomas J. Budge

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