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DEPARTMENT OF  
WATER RESOURCES

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Gooding, Hazelton, Heyburn, Jerome,  
Paul, Richfield, Rupert, Shoshone, and  
Wendell (“Coalition of Cities”)*

**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**

**CITY OF POCATELLO’S,  
CITY OF IDAHO FALLS’, AND  
COALITION OF CITIES’  
REQUEST FOR HEARING  
AND ORDER AUTHORIZING  
DISCOVERY**

COME NOW the City of Pocatello, City of Idaho Falls, and the Coalition of Cities<sup>1</sup>  
(collectively, the “Cities”)<sup>2</sup>, by and through their respective attorneys of record, and hereby  
request a hearing in the above-captioned matter and an order authorizing discovery.

<sup>1</sup> 1 The Coalition of Cities is composed of the Cities of Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell.

<sup>2</sup> For purposes of economy, these requests are filed jointly, however, each party herein reserves the right to amend, supplement, or withdraw its requests individually without prejudice to the requests of another party to this filing.

**A. Request for Hearing**

Pursuant to Idaho Code § 42-1701(A)(3), the Cities request a hearing on the Idaho Department of Water Resource’s (“Department”) *Sixth Amended Methodology Order Regarding Methodology For Determining Material Injury to Reasonable In-Season Demand And Reasonable Carryover*, issued July 19, 2023 (“Sixth Methodology Order”). Among the issues the Cities have identified for hearing:

- a) Whether the members of the Surface Water Coalition (“SWC”) operate reasonably and without waste;
- b) Whether the irrigated acreage numbers for the SWC members in the *Sixth Methodology Order* are accurate;
- c) Whether the number of acres irrigated with supplemental groundwater rights within the service areas of the SWC members can be accurately determined;
- d) Whether the number of acres irrigated with enlargement rights within the service areas of the SWC members can be accurately determined;

Because they need sufficient time to adequately conduct discovery and prepare for an evidentiary hearing, the Cities request that the Director set a four (4) day hearing pursuant to this request no sooner than September 1, 2024.

**B. Request for Permission to Conduct Discovery**

Pursuant to the Department’s Procedure Rule 521, IDAPA 37.01.01.521, the Cities request that the Director issue an order authorizing discovery so that they can investigate

SWC members' operations and obtain the information and data necessary to properly litigate the issues listed above.


**CONCLUSION**

The Cities request that the Director (1) hold a status conference to set this matter for hearing; and (2) issue an order authorizing discovery.

Respectfully submitted this 3rd day of August 2023.

**SOMACH SIMMONS & DUNN, P.C.**

**HOLDEN KIDWELL HAHN & CRAPO**

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By /s/ Robert L. Harris  
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of August 2023, the foregoing document was served via email to the following:

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