

**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

**ORDER SHORTENING TIME TO  
RESPOND**

**BACKGROUND**

On May 14, 2024, the Idaho Ground Water Appropriators, Inc. (“IGWA”) filed *IGWA’s Conditional Notice of Mitigation Compliance; Petition for Reconsideration; and Request for Expedited Decision* (“*Second Petition for Reconsideration*”). In the *Second Petition for Reconsideration*, IGWA makes two arguments, the first of which is being raised for the first time. IGWA argues that Idaho Code § 42-5224(11) prevents the ground water districts from mitigating any material injury caused by ground water use outside the ground water district. *Second Petition for Reconsideration*, at 2. IGWA argues that interpreting the 2009 storage water mitigation plan to require IGWA to mitigate for all ground water users “requires the ground water districts to violate Idaho Code § 42-5224(11) . . . .” *Id.* IGWA asks the Director to “either amend or vacate and replace the *Order Determining Deficiency* to allow ground water districts to provide storage water specially to mitigate for material injury caused by groundwater use within the District . . . .” *Id.* IGWA’s second argument is that the Director’s *Order Approving Storage Water Plan* authorizes the ground water districts to mitigate for their proportionate share and does not require IGWA to mitigate for all ground water users. *Id.* at 3.

IGWA asks that its request be considered on an expedited basis given the pending deadline to provide notice of mitigation. *Id.* at 3–4.

**ANALYSIS**

Rule 220 of the Department’s *Rules of Procedure* gives parties to a contested case 14 days to respond to the filing of a motion. IDAPA 37.01.01.220.02.b. In its *Second Petition for Reconsideration*, IGWA, without citation to authority, asks the Director to expedite his decision on IGWA’s filing. *Id.* at 3. The arguments presented by IGWA have significant implications for the water users involved in the SWC delivery call. As such, the parties that wish to respond to the arguments should have time to do so, but the time for responding should be shortened because of the impending curtailment. Rule of Procedure 220 allows the Director to shorten the time period for parties to respond for good cause shown. IDAPA 37.01.01.22.02.f. Time is of the essence as the Director is poised to issue a curtailment order in this matter, but the Director also believes that it is important to hear from the parties regarding IGWA’s arguments. The Director

will shorten the time period for any party to respond to the *Second Petition for Reconsideration* to Friday, May 24, 2024, at 5:00 p.m. (MT). Because the Director is allowing time for the parties to respond to IGWA’s petition, the Director will not issue a curtailment order until after a decision is made on the *Second Petition for Reconsideration*.

**ORDER**

Based on and consistent with the foregoing, IT IS HEREBY ORDERED that, for good cause shown, the period for any party to respond to *IGWA’s Conditional Notice of Mitigation Compliance; Petition for Reconsideration; and Request for Expedited Decision* is shortened to Friday, May 24, 2024, at 5:00 p.m. (MT).

Dated this 17th day of May 2024.



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MATHEW WEAVER  
Director

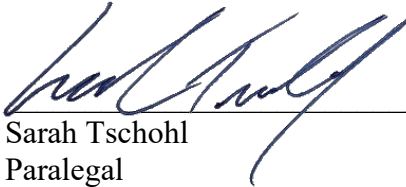
## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May 2024, the above and foregoing, was served by the method indicated below, and addressed to the following:

<p>John K. Simpson  MARTEN LAW LLP  PO Box 2139  Boise, ID 83701-2139  <a href="mailto:jsimpson@martenlaw.com">jsimpson@martenlaw.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>Travis L. Thompson  Abigail Bitzenburg  MARTEN LAW LLP  PO Box 63  Twin Falls, ID 83303-0063  <a href="mailto:tthompson@martenlaw.com">tthompson@martenlaw.com</a>  <a href="mailto:abitzenburg@martenlaw.com">abitzenburg@martenlaw.com</a>  <a href="mailto:jnielsen@martenlaw.com">jnielsen@martenlaw.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>W. Kent Fletcher  FLETCHER LAW OFFICE  PO Box 248  Burley, ID 83318  <a href="mailto:wkf@pmt.org">wkf@pmt.org</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>Thomas J. Budge  Elisheva M. Patterson  RACINE OLSON  PO Box 1391  Pocatello, ID 83204-1391  <a href="mailto:ti@racineolson.com">ti@racineolson.com</a>  <a href="mailto:elisheva@racineolson.com">elisheva@racineolson.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>David W. Gehlert  Natural Resources Section  Environment and Natural Resources Division  U.S. Department of Justice  999 18<sup>th</sup> St., South Terrace, Suite 370  Denver, CO 80202  <a href="mailto:david.gehlert@usdoj.gov">david.gehlert@usdoj.gov</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>Matt Howard  US Bureau of Reclamation  1150 N Curtis Road  Boise, ID 83706-1234  <a href="mailto:mhoward@usbr.gov">mhoward@usbr.gov</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>Sarah A Klahn  Maximilian C. Bricker  Somach Simmons &amp; Dunn  1155 Canyon Blvd, Ste. 110  Boulder, CO 80302  <a href="mailto:sklahn@somachlaw.com">sklahn@somachlaw.com</a>  <a href="mailto:mbricker@somachlaw.com">mbricker@somachlaw.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>

<p>Rich Diehl  City of Pocatello  PO Box 4169  Pocatello, ID 83205  <a href="mailto:rdiehl@pocatello.us">rdiehl@pocatello.us</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p>Candice McHugh  Chris Bromley  MCHUGH BROMLEY, PLLC  380 South 4<sup>th</sup> Street, Suite 103  Boise, ID 83702  <a href="mailto:cbromley@mchughbromley.com">cbromley@mchughbromley.com</a>  <a href="mailto:cmchugh@mchughbromley.com">cmchugh@mchughbromley.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p>Robert E. Williams  WILLIAMS, MESERVY, &amp; LOTH SPEICH, LLP  PO Box 168  Jerome, ID 83338  <a href="mailto:rewilliams@wmlattys.com">rewilliams@wmlattys.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p>Robert L. Harris  HOLDEN, KIDWELL, HAHN &amp; CRAPO, PLLC  PO Box 50130  Idaho Falls, ID 83405  <a href="mailto:rharris@holdenlegal.com">rharris@holdenlegal.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p>Michael A. Kirkham  City Attorney, City of Idaho Falls  PO Box 50220  Idaho Falls, ID 83405  <a href="mailto:mkirkham@idahofallsidaho.gov">mkirkham@idahofallsidaho.gov</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p>Skyler C. Johns  Nathan M. Olsen  Steven L. Taggart  OLSEN TAGGART PLLC  PO Box 3005  Idaho Falls, ID 83403  <a href="mailto:sjohns@olsentaggart.com">sjohns@olsentaggart.com</a>  <a href="mailto:nolsen@olsentaggart.com">nolsen@olsentaggart.com</a>  <a href="mailto:staggart@olsentaggart.com">staggart@olsentaggart.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p>Dylan Anderson  DYLAN ANDERSON LAW PLLC  PO Box 35  Rexburg, Idaho 83440  <a href="mailto:dylan@dylanandersonlaw.com">dylan@dylanandersonlaw.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p><b>COURTESY COPY TO:</b>  Craig Chandler  IDWR—Eastern Region  900 N. Skyline Drive, Ste. A  Idaho Falls, ID 83402  <a href="mailto:craig.chandler@idwr.idaho.gov">craig.chandler@idwr.idaho.gov</a></p>	<input checked="" type="checkbox"/> Email

<p><b>COURTESY COPY TO:</b>  Corey Skinner  IDWR—Southern Region  1341 Fillmore St., Ste. 200  Twin Falls, ID 83301-3033  <a href="mailto:corey.skinner@idwr.idaho.gov">corey.skinner@idwr.idaho.gov</a></p>	<input checked="" type="checkbox"/> Email
<p><b>COURTESY COPY TO:</b>  William A. Parsons  PARSONS, LOVELAND, SHIRLEY &amp;  LINDSTROM, LLP  PO Box 910  Burley, ID 83318  <a href="mailto:wparsons@pmt.org">wparsons@pmt.org</a>  <a href="mailto:wparsons@magicvalley.law">wparsons@magicvalley.law</a></p>	<input checked="" type="checkbox"/> Email




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Sarah Tschohl  
Paralegal