

Travis L. Thompson, ISB #6168
Abby R. Bitzenburg, ISB #12198
MARTEN LAW LLP
163 Second Ave. West
P.O. Box 63
Twin Falls, Idaho 83303-0063
Telephone: (208) 733-0700
Email: tthompson@martenlaw.com
abitzenburg@martenlaw.com

Attorneys for A&B Irrigation District

RECEIVED

Apr 29, 2025

DEPARTMENT OF
WATER RESOURCES

**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

**A&B IRRIGATION DISTRICT'S
REQUEST FOR HEARING**

COMES NOW, A&B IRRIGATION DISTRICT ("A&B" or "District"), by and through counsel of record, and hereby requests a hearing in the above-referenced matter pursuant to I.C. § 42-1701A(3) and submits the following list of initial issues regarding the Director's *Final Order Regarding April 2025 Forecast Supply* issued on April 16, 2025. A&B reserves the right to supplement this request as necessary.

- 1) Whether the order's identified proportionate share (384 acre-feet) of the predicted injury (63,000 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 August 28, 1955).

- 2) Whether A&B should be allowed to mitigate for a portion of groundwater right 36-15127A (approximately 508.3 acres) that will be diverted used during the 2025 irrigation season, as opposed to mitigating for all 1,886.4 acres authorized by the water right.
- 3) 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 *Sixth Methodology Order*.
- 4) For other issues and matters that may discovered in this proceeding.

DATED this 29th day of April, 2025.

MARTEN LAW LLP



Travis L. Thompson

Attorneys for A&B Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of April, 2025, I served a true and correct copy of the foregoing on the following by the method indicated:

<p>Director Mat Weaver Garrick Baxter Sarah Tschohl State of Idaho Dept. of Water Resources 322 E Front St. Boise, ID 83720-0098 *** service by electronic mail</p> <p>file@idwr.idaho.gov</p>	<p>Matt Howard U.S. Bureau of Reclamation 1150 N. Curtis Rd. Boise, ID 83706-1234 *** service by electronic mail only</p> <p>mhoward@usbr.gov</p>	<p>Craig Chandler IDWR – Eastern Region 900 N. Skyline Dr., Ste. A Idaho Falls, ID 83402-1718 *** service by electronic mail only</p> <p>craig.chandler@idwr.idaho.gov</p>
<p>T.J. Budge Elisheva Patterson Racine Olson P.O. Box 1391 Pocatello, ID 83204-1391 *** service by electronic mail only</p> <p>tj@racineolson.com elisheva@racineolson.com</p>	<p>Sarah A. Klahn Max Bricker Somach Simmons & Dunn 2033 11th St., Ste. 5 Boulder, CO 80302 *** service by electronic mail only</p> <p>sklahn@somachlaw.com mbricker@somachlaw.com</p>	<p>David Gehlert ENRD – DOJ 999 18th St. South Terrace, Ste. 370 Denver, CO 80202 *** service by electronic mail only</p> <p>david.gehlert@usdoj.gov</p>
<p>Rich Diehl City of Pocatello P.O. Box 4169 Pocatello, ID 83201 *** service by electronic mail only</p> <p>rdiehl@pocatello.us</p>	<p>William A. Parsons Parsons, Smith & Stone LLP P.O. Box 910 Burley, ID 83318 *** service by electronic mail only</p> <p>wparsons@pmt.org</p>	<p>Corey Skinner IDWR – Southern Region 650 Addison Ave W, Ste. 500 Twin Falls, ID 83301-5858 *** service by electronic mail only</p> <p>corey.skinner@idwr.idaho.gov</p>
<p>Norman M. Semanko Garrett M. Kitamura Parsons Behle & Latimer 800 W. Main St., Suite 1300 Boise, Idaho 83702 *** service by electronic mail only</p> <p>nsemanko@parsonsbehle.com gkitamura@parsonsbehle.com</p>	<p>Kathleen Carr U.S. Dept. Interior, Office of Solicitor Pacific Northwest Region, Boise 960 Broadway, Ste. 400 Boise, ID 83706 *** service by electronic mail only</p> <p>kathleenmarion.carr@sol.doi.gov</p>	<p>Candice McHugh Chris M. Bromley McHugh Bromley, PLLC 380 South 4th Street, Ste. 103 Boise, ID 83702 *** service by electronic mail only</p> <p>cbromley@mchughbromley.com cmchugh@mchughbromley.com</p>
<p>Robert E. Williams Williams, Meservy & Larsen, LLP P.O. Box 168 Jerome, ID 83338 *** service by electronic mail only</p> <p>rewilliams@wmlattys.com</p>	<p>Robert L. Harris Holden, Kidwell, Hahn & Crapo, PLLC P.O. Box 50130 Idaho Falls, ID 83405 *** service by electronic mail only</p> <p>rharris@holdenlegal.com</p>	<p>Randall D. Fife City Attorney, City of Idaho Falls P.O. Box 50220 Idaho Falls, ID 83405 *** service by electronic mail only</p> <p>rfife@idahofallsidaho.gov</p>

<p>Skylar Johns Steven Taggart Nathan Olsen Olsen Taggart PLLC P.O. Box 3005 Idaho Falls, ID 83403 *** service by electronic mail only</p> <p>sjohns@olsentaggart.com staggart@olsentaggart.com nolsen@olsentaggart.com</p>	<p>Dylan Anderson Dylan Anderson Law PLLC P.O. Box 35 Rexburg, ID 83440 *** service by electronic mail only</p> <p>dylan@dylanandersonlaw.com</p>	<p>Jerry R. Rigby Rigby Andrus & Rigby Law PLLC 45 N. 2nd E. Rexburg, ID 83440 *** service by electronic mail only</p> <p>jrigby@rex-law.com</p>
<p>Andrew J. Waldera Sawtooth Law Offices, PLLC 1101 W. River St., Suite 110 Boise, ID 83702 *** service by electronic mail only</p> <p>andy@sawtoothlaw.com</p>		



Travis L. Thompson