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

**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  
Docket No. CM-MP-2016-001

**SURFACE WATER COALITION'S  
MOTION FOR SUMMARY  
JUDGMENT**

\_\_\_\_\_)  
)  
IN THE MATTER OF IGWA'S )  
SETTLEMENT AGREEMENT )  
MITIGATION PLAN )  
)  
\_\_\_\_\_)

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 (collectively hereafter referred to as the “Surface Water Coalition”, “Coalition”, or “SWC”), by and through their counsel of record, and pursuant to Rule 220.03 and I.R.C.P. 56 hereby move for summary judgment in the above-captioned matter. This motion is supported by the documents and prior orders filed in this case and the *Surface Water Coalition’s Memorandum in Support of Motion for Summary Judgment* filed together herewith.

**MOTION**

Pursuant to well-established law regarding the interpretation of unambiguous agreements, including the stipulated mitigation plan and the Director’s order approving the same in this matter, the Director should dismiss IGWA’s petition requesting a hearing as a matter of law. Since IGWA’s member Ground Water Districts have the clear and unambiguous obligation to reduce 240,000 acre-feet per year pursuant to the terms of the stipulated mitigation plan and the Director’s order, there is no basis for an evidentiary hearing on the Director’s September 8, 2022 compliance order. Therefore the Director should grant summary judgment in this case. The Coalition requests oral argument and an expedited schedule to address this motion as soon as possible so as to preserve the parties’ time and resources.

DATED this 21<sup>st</sup> day of December, 2022.

**BARKER ROSHOLT & SIMPSON LLP**



Travis L. Thompson  
*Attorneys for A&B Irrigation District,  
Burley Irrigation District, Milner Irrigation  
District, NSCC and TFCC*

**FLETCHER LAW OFFICE**



for

W. Kent Fletcher  
*Attorneys for Minidoka Irrigation  
District and American Falls  
Reservoir District #2*

## CERTIFICATE OF SERVICE

I hereby certify that on this 21<sup>st</sup> day of December, 2022, I served a true and correct copy of the foregoing *Surface Water Coalition’s Motion for Summary Judgment* on the following by the method indicated:

<p>Director Gary Spackman Garrick Baxter Sarah Tschohl State of Idaho Dept of Water Resources 322 E Front St. Boise, ID 83720-0098 *** service by electronic mail <a href="mailto:file@idwr.idaho.gov">file@idwr.idaho.gov</a> <a href="mailto:gary.spackman@idwr.idaho.gov">gary.spackman@idwr.idaho.gov</a> <a href="mailto:garrick.baxter@idwr.idaho.gov">garrick.baxter@idwr.idaho.gov</a> <a href="mailto:sarah.tschohl@idwr.idaho.gov">sarah.tschohl@idwr.idaho.gov</a></p>	<p>Matt Howard U.S. Bureau of Reclamation 1150 N. Curtis Rd. Boise, ID 83706-1234 *** service by electronic mail only  <a href="mailto:mhoward@usbr.gov">mhoward@usbr.gov</a> <a href="mailto:emcgarry@usbr.gov">emcgarry@usbr.gov</a></p>	<p>Tony Olenichak IDWR – Eastern Region 900 N. Skyline Dr., Ste. A Idaho Falls, ID 83402-1718 *** service by electronic mail only  <a href="mailto:tony.olenichak@idwr.idaho.gov">tony.olenichak@idwr.idaho.gov</a></p>
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<p>Robert L. Harris Holden, Kidwell, Hahn &amp; Crapo. PLLC P.O. Box 50130 Idaho Falls, ID 83405 *** service by electronic mail only  <a href="mailto:rharris@holdenlegal.com">rharris@holdenlegal.com</a></p>	<p>Kathleen Carr US Dept Interior, Office of Solicitor Pacific Northwest Region, Boise 960 Broadway, Ste. 400 Boise, ID 83706 *** service by electronic mail only  <a href="mailto:kathleenmarion.carr@sol.doi.gov">kathleenmarion.carr@sol.doi.gov</a></p>	<p>Candice McHugh Chris Bromley McHugh Bromley, PLLC 380 South 4<sup>th</sup> Street, Ste. 103 Boise, ID 83702 *** service by electronic mail only  <a href="mailto:cbromley@mchughbromley.com">cbromley@mchughbromley.com</a> <a href="mailto:cmchugh@mchughbromley.com">cmchugh@mchughbromley.com</a></p>

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