

**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

**NOTICE OF STATUS CONFERENCE**

**BACKGROUND**

On July 21, 2022, the Surface Water Coalition (“SWC”) filed with the Idaho Department of Water Resources (“Department”) the *Surface Water Coalition’s Notice of Steering Committee Impasse/Request for Status Conference* (“Request”) in the above-captioned matters.<sup>1</sup> In the Request, the SWC alleges that the ground water districts are not complying with the stipulated mitigation plan approved by the Director on May 2, 2016.<sup>2</sup> *Request* at 2. The SWC states that the allegations of noncompliance have been reviewed by the steering committee, as required by the approved mitigation plan, and that the SWC and the Idaho Ground Water Appropriators, Inc. (“IGWA”) have reached an impasse on whether there has been a breach. *Id.* at 3-4. The SWC requests the Director set a status conference to discuss the allegations of noncompliance. *Id.* at 4. The SWC also requests a status conference to discuss discrepancies between the numbers in IGWA’s 2021 performance report and IDWR’s verification report. *Id.*

The Director will grant the SWC’s request for a status conference. The status conference will be set for August 5, 2022, at the time and location described below.

**NOTICE OF STATUS CONFERENCE**

The Director hereby notifies the parties that a status conference in this matter will be held on **August 5, 2022, at 10:00 a.m. (MST)**, at the Department’s State Office, located at 322 E.

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<sup>1</sup> The SWC is comprised 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.

<sup>2</sup> After May 2, 2016, the parties agreed to modify their stipulated mitigation plan. On May 9, 2017, the Director issued a *Final Order Approving Amendment to Stipulated Mitigation Plan* (“Amended Plan”). The Amended Plan includes a process that calls for the parties to first raise compliance disputes with the joint steering committee. *Second Addendum to Settlement Agreement* at 3 (December 14, 2016).

Front Street, 6th Floor, Boise, Idaho. All parties to the matter must be represented at the status conference in person or by video conference.

To join the conference via computer or smartphone, please click the following Webex link, follow the prompts, and wait to be admitted by the meeting host:

<https://idahogov.webex.com/idahogov/j.php?MTID=m78f1a435dac9d9b4b55cfcd62d74668>

To join the conference via telephone, please dial 1(415) 655-0001 (US Toll) and enter the following meeting access code when prompted: **2465 943 7520**

The status conference will be held in accordance with the provisions of Chapter 17, Title 42, and Chapter 52, Title 67, Idaho Code, and the Department's Rules of Procedure, IDAPA 37.01.01. A copy of the Rules of Procedure may be obtained from the Department upon request or at <https://adminrules.idaho.gov/rules/current/37/index.html>.

The conference will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations to attend, participate in, or understand the conference, please advise the Department no later than five (5) days before the conference. Inquiries for special accommodations should be directed to Sarah Tschohl, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4800.

Dated this 26<sup>th</sup> day of July 2022.



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GARY SPACKMAN  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26<sup>th</sup> day of July 2022, the above and foregoing, was served by the method indicated below, and addressed to the following:

<p>John K. Simpson          Travis L. Thompson          BARKER ROSHOLT &amp; SIMPSON, LLP          P. O. Box 63          Twin Falls, ID 83303-0063  <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a>  <a href="mailto:tlt@idahowaters.com">tlt@idahowaters.com</a>  <a href="mailto:nls@idahowaters.com">nls@idahowaters.com</a>  <a href="mailto:jf@idahowaters.com">jf@idahowaters.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          P.O. 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>Randall C. Budge          Thomas J. Budge          RACINE OLSON          P.O. Box 1391          Pocatello, ID 83204-1391  <a href="mailto:randy@racineolson.com">randy@racineolson.com</a>  <a href="mailto:tj@racineolson.com">tj@racineolson.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>Kathleen Marion Carr          US Dept. Interior          960 Broadway Ste 400          Boise, ID 83706  <a href="mailto:kathleenmarion.carr@sol.doi.gov">kathleenmarion.carr@sol.doi.gov</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>
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<p><b>COURTESY COPY TO:</b> William A. Parsons PARSONS SMITH &amp; STONE P.O. Box 910 Burley, ID 83318 <a href="mailto:wparsons@pmt.org">wparsons@pmt.org</a></p>	<input checked="" type="checkbox"/> Email

  
Megan Jenkins  
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