

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF THE DISTRIBUTION OF WATER TO VARIOUS WATER RIGHTS HELD BY AND 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-MP-2016-001

**NOTICE OF INTENT TO TAKE  
OFFICIAL NOTICE OF IGWA'S  
2021 SETTLEMENT  
AGREEMENT PERFORMANCE  
REPORT AND SUPPORTING  
SPREADSHEET**

IN THE MATTER OF IGWA'S SETTLEMENT AGREEMENT MITIGATION PLAN


On August 5, 2022, the Director of the Idaho Department of Water Resources (“Department”) held a status conference in response to a request by the Surface Water Coalition (“SWC”). During the conference, counsel for the SWC and the Idaho Ground Water Appropriators, Inc. (“IGWA”) presented argument as to whether IGWA is in breach of a settlement agreement between the SWC and IGWA that serves as an approved mitigation plan in the SWC’s delivery call. The SWC’s allegations of breach are based on IGWA’s 2021 Settlement Agreement Performance Report and supporting information contained in an electronic spreadsheet attached to the report. Although the SWC, IGWA, Director, and Department have copies of the report and spreadsheet, those documents are not in the agency record for this proceeding currently.

Rule 602 allows the Director to take official notice “of any facts that could be judicially noticed in the courts of Idaho and of generally recognized technical or scientific facts within the agency’s specialized knowledge . . . .” IDAPA 37.01.01.602. Further, the Director “shall notify the parties of specific facts or material noticed and the source of the material noticed.” *Id.* The notice must be provided “before the issuance of any order based in whole or in part on facts or material officially noticed.” *Id.*

The Director hereby notifies the parties that he intends to take official notice of the facts and data in IGWA’s 2021 Settlement Agreement Performance Report dated April 1, 2021, and the supporting spreadsheet attached to that report.

Concurrent with this notice, copies of those documents shall be posted to the Department’s docket for this proceeding. Pursuant to Rule 602, any party may file a written objection “to contest and rebut the facts or material to be officially noticed” on or before August 25, 2022. IDAPA 37.01.01.602.

Dated this 18th day of August 2022.

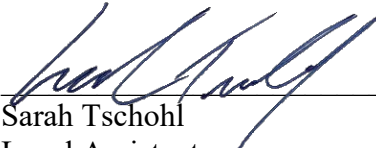
  
Gary Spackman  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August 2022, the above and foregoing was served by the method indicated below and addressed to the following:

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Legal Assistant