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Feb 12, 2024

DEPARTMENT OF
WATER RESOURCES

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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-MP-2016-001

**IGWA’S MOTION FOR HEARING
OFFICER TO TAKE OFFICIAL NOTICE
DEPARTMENT FILES**

IN THE MATTER OF IGWA’S
SETTLEMENT AGREEMENT
MITIGATION PLAN

Idaho Ground Water Appropriators, Inc. (“IGWA”), by and through its counsel of record, hereby moves the Hearing Officer pursuant to rule 602 of the rules of procedures of the Idaho Department of Water Resources (“Department” or “IDWR”) (IDAPA 37.01.01.602) to take official notice of filings, orders, and notices in IDWR Docket Nos. CM-DC-2010-001; CM-MP-2007-001; CM-MP-2009-001; CM-MP-2009-002; CM-MP-2009-003; CM-MP-2009-004; CM-MP-2009-005; CM-MP-2009-006; CM-MP-2009-007; CM-MP-2010-001; CM-MP-2014-001; CM-MP-2014-002; CM-MP-2014-003; CM-MP-2014-004; CM-MP-2014-006; CM-MP-2014-007; CM-MP-2015-001; CM-MP-2015-003; CM-MP-2015-004; CM-MP-2015-005; CM-MP-

IGWA’S MOTION FOR HEARING OFFICER TO TAKE OFFICIAL NOTICE OF DEPARTMENT FILES

2016-001; CM-MP-2016-002; and CM-MP-2019-001. A list of documents IGWA requests the Hearing Officer take official notice of is supplied below, along with the IDWR Docket Number and issuance/filing date. Rather than attach the voluminous number of documents, and as these documents are public documents and available to the Department, the summary is attached.

Conjunctive Management Rule 602 also states that the “presiding officer shall notify the parties of specific facts or material noticed and source of the material noticed.” Accordingly, IGWA requests that the Hearing Officer take notice, and notify the parties of said notice, of the attached documents. If one or more parties contest or rebut the officially noticed materials, then IGWA requests the Hearing Officer set a written objection due date.

RESPECTFULLY SUBMITTED this 12th day of February, 2024.

RACINE OLSON, PLLP

By: 
Thomas J. Budge
Attorneys for IGWA

Delivery Call	IDWR Docket No.	Document Title	Date Filed/Issued
SWC	CM-MP-2016-001	<i>Surface Water Coalition's and IGWA's Stipulated Mitigation Plan and Request for Order</i>	March 9, 2016
SWC	CM-MP-2016-001	<i>Surface Water Coalition's and IGWA's Stipulated Amended Mitigation Plan and Request for Order</i>	February 7, 2017
SWC	CM-MP-2016-001	<i>Final Order Approving Stipulated Mitigation Plan</i>	May 2, 2016
SWC	CM-MP-2016-001	<i>Final Order Approving Amendment to Stipulated Mitigation Plan</i>	May 9, 2017
SWC	CM-MP-2016-001	<i>Final Order Regarding IGWA's 2022 Mitigation Plan Compliance</i>	Aug. 2, 2023
SWC	CM-MP-2009-007	<i>Order Approving Mitigation Plan</i>	June 3, 2010
SWC	CM-MP-2009-006	<i>Order Approving Mitigation Plan</i>	May 14, 2010
SWC	CM-MP-2019-001	<i>Final Order Approving Stipulated Mitigation Plan</i>	Apr. 9, 2019
SWC	CM-MP-2010-001	<i>Final Order Approving Mitigation Plan and Dismissing Contested Case</i>	March 26, 2018
SWC	CM-MP-2007-001	<i>Final Order Approving Mitigation Plan</i>	October 25, 2021
SWC	CM-MP-2015-003	<i>Final Order Approving Mitigation Plan</i>	Dec. 16, 2015
Blue Lakes	CM-MP-2009-001	<i>Final Order Approving Mitigation Plans (Blue Lakes Delivery Call)</i>	May 7, 2010
Blue Lakes	CM-MP-2009-002	<i>Final Order Approving Mitigation Plans (Blue Lakes Delivery Call)</i>	May 7, 2010
Blue Lakes	CM-MP-2009-003	<i>Final Order Approving Mitigation Plans (Blue Lakes Delivery Call)</i>	May 7, 2010
Blue Lakes	CM-MP-2009-006	<i>Order Approving Mitigation Plan</i>	May 14, 2010
Clear Springs	CM-MP-2009-005	<i>Order Approving Mitigation Plan in Lieu of Curtailment</i>	May 10, 2010
Clear Springs	CM-MP-2009-004	<i>Final Order Approving Mitigation Plan</i>	May 16, 2012
Rangen	CM-MP-2014-001	<i>Amended Order Approving in Part and Rejecting in Part IGWA's Mitigation Plan</i>	May 16, 2014
Rangen	CM-MP-2014-002	<i>Final Order Approving Mitigation Plan</i>	April 28, 2014
Rangen	CM-MP-2014-003	<i>Order Approving IGWA's Second Mitigation Plan</i>	June 20, 2014
Rangen	CM-MP-2014-004	<i>Final Order Conditionally Approving Cities' Second Mitigation Plan</i>	January 16, 2015
Rangen	CM-MP-2014-006	<i>Order Approving IGWA's Fourth Mitigation Plan</i>	October 29, 2014
Rangen	CM-MP-2014-007	<i>Order Confirming Final Order Conditionally Approving Cities Second Mitigation Plan</i>	February 13, 2015
SWC	CM-MP-2015-001	<i>Order Dismissing Mitigation Plans</i>	June 12, 2019
SWC	CM-MP-2015-004	<i>Order Dismissing Mitigation Plans</i>	June 12, 2019
SWC	CM-MP-2015-005	<i>Order Dismissing Mitigation Plans</i>	June 12, 2019
SWC	CM-MP-2016-002	<i>Order Dismissing Mitigation Plans</i>	June 12, 2019

Delivery Call	IDWR Docket No.	Document Title	Date Filed/Issued
SWC	CM-DC-2010-001	<i>Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover</i>	April 7, 2010
SWC	CM-DC-2010-001	<i>Second Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover</i>	June 23, 2010
SWC	CM-DC-2010-001	<i>Third Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover</i>	April 17, 2015
SWC	CM-DC-2010-001	<i>Fourth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover</i>	April 19, 2016
SWC	CM-DC-2010-001	<i>Fifth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover</i>	April 21, 2023
SWC	CM-DC-2010-001	<i>Final Order Regarding April 2016 Forecast Supply (Methodology Steps 1-3)</i>	April 19, 2016
SWC	CM-DC-2010-001	<i>Final Order Curtailing Ground Water Rights Junior to February 8, 1989</i>	May 18, 2016
SWC	CM-DC-2010-001	<i>Order Revising April 2016 Forecast Supply and Amending Curtailment Order (Methodology Step 6)</i>	July 22, 2016
SWC	CM-DC-2010-001	<i>Final Order Establishing 2016 Reasonable Carryover (Methodology Step 9)</i>	November 29, 2016
SWC	CM-DC-2010-001	<i>Final Order Regarding April 2017 Forecast Supply (Methodology Steps 1-3)</i>	April 13, 2017
SWC	CM-DC-2010-001	<i>Order Revising April 2017 Forecast Supply and Resinding Curtailment Order (Methodology Steps 5 & 6)</i>	August 3, 2017
SWC	CM-DC-2010-001	<i>Final Order Establishing 2017 Reasonable Carryover (Methodology Step 9)</i>	November 30, 2017
SWC	CM-DC-2010-001	<i>Final Order Regarding April 2018 Forecast Supply (Methodology Steps 1-3)</i>	April 17, 2018
SWC	CM-DC-2010-001	<i>Order Revising April 2018 Forecast Supply (Methodology Steps 5 & 6)</i>	July 23, 2018
SWC	CM-DC-2010-001	<i>Final Order Establishing 2018 Reasonable Carryover (Methodology Step 9)</i>	November 30, 2018
SWC	CM-DC-2010-001	<i>Final Order Regarding April 2019 Forecast Supply (Methodology Steps 1-3)</i>	April 11, 2019
SWC	CM-DC-2010-001	<i>Final Order Curtailing Non-Enlargement Ground Water Rights Junior to April 12, 1994, and Enlargement Ground Water Rights Junior to March 14, 1971</i>	June 7, 2019

Delivery Call	IDWR Docket No.	Document Title	Date Filed/Issued
SWC	CM-DC-2010-001	<i>Order Revising April 2019 Forecast Supply and Amending Curtailment Order (Methodology Steps 5 & 6)</i>	July 17, 2019
SWC	CM-DC-2010-001	<i>Final Order Establishing 2019 Reasonable Carryover (Methodology Step 9)</i>	November 27, 2019
SWC	CM-DC-2010-001	<i>Final Order Regarding April 2020 Forecast Supply (Methodology Steps 1-3)</i>	April 20, 2020
SWC	CM-DC-2010-001	<i>Order Revising April 2020 Forecast Supply (Methodology Steps 5 & 6)</i>	July 14, 2020
SWC	CM-DC-2010-001	<i>Final Order Establishing 2020 Reasonable Carryover (Methodology Step 9)</i>	November 27, 2020
SWC	CM-DC-2010-001	<i>Final Order Regarding April 2021 Forecast Supply (Methodology Steps 1-3)</i>	April 19, 2021
SWC	CM-DC-2010-001	<i>Final Order Curtailing Ground Water Rights Junior to May 30, 1989</i>	May 20, 2021
SWC	CM-DC-2010-001	<i>Order Revising April 2021 Forecast Supply (Methodology Steps 6)</i>	July 20, 2021
SWC	CM-DC-2010-001	<i>Final Order Curtailing Ground Water Rights Junior to June 14, 1977</i>	August 4, 2021
SWC	CM-DC-2010-001	<i>Order Revising July 2021 Forecast Supply (Methodology Steps 7-8)</i>	August 23, 2021
SWC	CM-DC-2010-001	<i>Final Order Establishing 2021 Reasonable Carryover (Methodology Step 9)</i>	December 21, 2021
SWC	CM-DC-2010-001	<i>Final Order Curtailing Ground Water Rights Junior to November 27, 1984</i>	January 11, 2022
SWC	CM-DC-2010-001	<i>Final Order Regarding April 2022 Forecast Supply (Methodology Steps 1-3)</i>	April 20, 2022
SWC	CM-DC-2010-001	<i>Final Order Curtailing Ground Water Rights Junior to December 25, 1979</i>	May 5, 2022
SWC	CM-DC-2010-001	<i>Order Revising April 2022 Forecast Supply and Amending Curtailment Order (Methodology Steps 5 & 6)</i>	July 20, 2022
SWC	CM-DC-2010-001	<i>Order Revising July 2022 Forecast Supply (Methodology Steps 7-8)</i>	August 18, 2022
SWC	CM-DC-2010-001	<i>Final Order Establishing 2022 Reasonable Carryover (Methodology Step 9)</i>	November 30, 2022
SWC	CM-DC-2010-001	<i>Final Order Curtailing Ground Water Rights Junior to May 31, 1989</i>	December 14, 2022
SWC	CM-DC-2010-001	<i>Final Order Regarding April 2023 Forecast Supply (Methodology Steps 1-3)</i>	April 21, 2023
SWC	CM-DC-2010-001	<i>Order Revising April 2023 Forecast Supply and Amending Curtailment Order (Methodology Steps 5 & 6)</i>	July 19, 2023

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of February, 2024, I served the foregoing document on the persons below via email at the address shown:


Thomas J. Budge

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