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Canal Company*

**RECEIVED**

Jan 17, 2025

DEPARTMENT OF  
WATER RESOURCES

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE STATE OF IDAHO**

IN THE MATTER OF THE SURFACE  
WATER COALITION’S AND THE  
GROUND WATER DISTRICTS’ 2024  
STIPULATED MITIGATION PLAN

Docket No.: CM-MP-2024-003

**PETITION FOR RECONSIDERATION /  
REQUEST FOR HEARING**

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

COME NOW, the A&B Irrigation District et al., (“Surface Water Coalition” or “Coalition”) by and through their respective undersigned counsel of record, and hereby file this *Petition for Reconsideration / Request for Hearing* in this matter pursuant to I.C. § 67-5246(4) and I.C. § 42-1701A(3). The grounds for this request are set forth below.

**PETITION FOR RECONSIDERATION**

The Director issued the *Final Order Approving Stipulated Mitigation Plan* (“*Order*”) on January 3, 2025. The Director approved the mitigation plan with certain alterations, including changing language in the “reach gains” paragraph from “calendar” to “water” year. *See Order* at 5. The parties stipulated to “calendar” year reach gain measurements for purposes of future implementation of the mitigation plan. All information reviewed for prior years was based upon a calendar year, not water year, metric. If the language conflicts with IDWR’s staff reporting practice or creates confusion for IDWR, then if anything, the language “as reported by the Department to the Idaho Water Resource Board” should be stricken so that the plan is approved with the parties’ intended language. The Coalition requests the Director to reconsider the *Order* and make the following change.

(b) **4.6.3 Reach Gains.** Reach gains to the Near Blackfoot to Minidoka reach of the Snake River shall be measured based on calendar year reach gains from the ESPA ~~as reported by the Department to the Idaho Water Resource Board.~~

**REQUEST FOR HEARING**

The Coalition, not having been provided a hearing on the *Order*, hereby requests a hearing on the above issue pursuant to I.C. § 42-1701A(3). If the Director corrects the *Order* on reconsideration as requested then the Coalition will withdraw its request for hearing.

DATED this 17<sup>th</sup> day of January, 2025.

**MARTEN LAW LLP**

**PARSONS BEHLE LATIMER**

/s/ Travis L. Thompson  
Travis L. Thompson

/s/ Norman M. Semanko  
Norman M. Semanko

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*Attorney for American Falls Reservoir District #2 & Minidoka Irrigation District*

## CERTIFICATE OF SERVICE

I hereby certify that on this 17<sup>th</sup> day of January, 2025, I served a copy of the foregoing by electronic mail to the following:

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*/s/ Travis L. Thompson*

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