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DEPARTMENT OF
WATER RESOURCES

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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 **SURFACE WATER COALITION'S PETITION REQUESTING HEARING ON DIRECTOR'S *ORDER DENYING PETITION FOR RECONSIDERATION*** **MOTION TO AUTHORIZE DISCOVERY**

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 counsel of record, and hereby submit their *Petition Requesting Hearing on Order Denying Petition for Reconsideration / Motion to Authorize Discovery* pursuant to Idaho Code § 42-1701A(3) and the Department's Rules of Procedure (IDAPA 37.01.01. *et seq.*).

INITIAL REASONS FOR PETITION

On December 21, 2012, the Director issued an *Order Denying Petition for Reconsideration.* The Director refused to reconsider the *Final Order Establishing 2012 Reasonable Carryover (Methodology Step 9)* and the accounting for reasonable carryover held by AFRD #2 following the 2012 irrigation season. The Director's decision relies upon an erroneous interpretation of water right #1-6 partially decreed by the SRBA Court in 2012. The issue concerning the meaning of water right #1-6, and its relationship to the storage water right in American Falls Reservoir in water right administration must determined. The Coalition submits the initial issue as follows:

1) Whether water right #1-6 identifies water for storage in American Falls Reservoir under water right #1-2064 prior to and after the initial fill of the reservoir when the March 30, 1921 priority date is in priority?

MOTION TO AUTHORIZE DISCOVERY

The SWC hereby moves for order authorizing discovery in this matter pursuant to Rule 521 of the Department's Rules of Procedure. The SWC requests the opportunity to discover the factual basis and analysis performed by the Director in issuing the *Order Denying Petition for Reconsideration.*

REQUEST FOR HEARING

The SWC, pursuant to Idaho Code § 42-1701A(3) and Rule 740.02.b of the Department's Rules of Procedure, hereby requests a hearing on the Director's *Order Denying Petition for Reconsideration*. The SWC reserves the right to amend this petition as necessary.

DATED this 4th day of January, 2013.

BARKER ROSHOLT & SIMPSON LLP

Travis L. Thompson

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of January, 2013, I served a true and correct copy of the foregoing *Surface Water Coalition's Petition Requesting Hearing on Order Denying Petition for Reconsideration Motion to Authorize Discovery* on the following by the method indicated:

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