

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

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| <p><b>IN THE MATTER OF DISTRIBUTION OF WATER TO VARIOUS WATER RIGHTS HELD BY OR FOR THE BENEFIT OF A&amp;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</b></p> <hr/> <p><b>IN THE MATTER OF THE MITIGATION PLAN FILED BY A&amp;B IRRIGATION DISTRICT FOR THE DISTRIBUTION OF WATER TO WATER RIGHTS HELD BY THE SURFACE WATER COALITION</b></p> | <p><b>CM-DC-2010-001<br/>CM-MP-2015-003</b></p> <p><b>NOTICE OF PRE-HEARING CONFERENCE</b></p> |
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On April 19, 2016, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) issued the *Final Order Regarding April Forecast Supply (Methodology Steps 1-3)* (“As-Applied Order”) predicting an in-season demand shortfall (“DS”) of 44,200 acre-feet. *As-Applied Order* at 3-4. The Director ordered that, by May 3, 2016, ground water users with consumptive water rights “junior to February 8, 1989, within the Eastern Snake Plain Aquifer area of common ground water supply shall establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted DS of 44,200 acre-feet in accordance with an approved mitigation plan.” *Id.* at 6.

On May 2, 2016, A&B Irrigation District (“A&B”) submitted to Department *A&B Irrigation District’s Notice of Mitigation* (“Notice”), identifying “various mitigation actions” to “mitigate for its ‘proportionate share’ of the predicted in-season [DS].” *Notice* at 2-3. A&B requested that the Director “account for the predicted responses to the Near Blackfoot to Minidoka reaches of the Snake River resulting from” A&B’s enrollment of acres into the federal conservation reserve enhancement program (“CREP”) and its conversion of acres from a ground water to surface water supply “and adjust the ‘proportionate share’ determination accordingly.” *Id.* at 3-4.

On May 11, 2016, the Director issued an *Order Determining Deficiency in A&B Irrigation District’s Notice of Mitigation* (“Deficiency Order”) denying A&B’s request to reduce its proportionate share of the predicted DS due to the effects of A&B’s enrollment of acres into

CREP and its conversions. *Deficiency Order* at 3. However, the Director construed A&B's request as a motion to take action in a contested case pursuant to the Department's Rule of Procedure 260 and committed to set and hear oral argument on the issue pursuant to the Department's Rule of Procedure 563. *Id.* The Director stated he would "shortly issue a subsequent order scheduling a pre-hearing conference." *Id.* at 4.

### NOTICE OF PRE-HEARING CONFERENCE

The Director hereby gives notice that a pre-hearing conference will be held on **May 19, 2016**, at **11:00 a.m. (MDT)**, at the offices of the Department located at 322 E. Front Street, 6<sup>th</sup> Floor, Boise, Idaho.

All parties to the matter must be represented at the pre-hearing conference in person or by telephone and be prepared to discuss availability for the purpose of identifying a hearing date. If participating by telephone, please dial **1-720-279-0026** and enter guest code when prompted: **321188#**

The pre-hearing conference will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the Department. IDAPA 37.01.01. A copy of the Rules of Procedure may be obtained from the Department upon request.

The pre-hearing conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please contact Deborah Gibson at (208) 287-4803, no later than five (5) days prior to the conference.

Dated this 12<sup>th</sup> day of May 2016.

  
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GARY SRACKMAN  
Director

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12<sup>th</sup> day of May 2016, the above and foregoing, was served by the method indicated below, and addressed to the following:

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| <p>John K. Simpson<br/>         Travis L. Thompson<br/>         Paul L. Arrington<br/>         BARKER ROSHOLT &amp; SIMPSON, LLP<br/>         P.O. Box 485<br/>         Twin Falls, ID 83303<br/> <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a><br/> <a href="mailto:tlt@idahowaters.com">tlt@idahowaters.com</a><br/> <a href="mailto:pla@idahowaters.com">pla@idahowaters.com</a></p> | <p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>W. Kent Fletcher<br/>         FLETCHER LAW OFFICE<br/>         P.O. Box 248<br/>         Burley, ID 83318<br/> <a href="mailto:wkf@pmt.org">wkf@pmt.org</a></p>   | <p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>Randall C. Budge<br/>         Thomas J. Budge<br/>         RACINE OLSON<br/>         P.O. Box 1391<br/>         Pocatello, ID 83204-1391<br/> <a href="mailto:rcb@racinelaw.net">rcb@racinelaw.net</a><br/> <a href="mailto:tjb@racinelaw.net">tjb@racinelaw.net</a></p>  | <p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>Kathleen Marion Carr<br/>         US Dept. Interior<br/>         960 Broadway Ste 400<br/>         Boise, ID 83706<br/> <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<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>David W. Gehlert<br/>         Natural Resources Section<br/>         Environment and Natural Resources Division<br/>         U.S. Department of Justice<br/>         999 18<sup>th</sup> St, South Terrace, Ste 370<br/>         Denver, CO 80202<br/> <a href="mailto:david.gehlert@usdoj.gov">david.gehlert@usdoj.gov</a></p>   | <p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile<br/> <input checked="" type="checkbox"/> Email</p> |
| <p>Matt Howard<br/>         US Bureau of Reclamation<br/>         1150 N Curtis Road<br/>         Boise, ID 83706-1234<br/> <a href="mailto:mhoward@pn.usbr.gov">mhoward@pn.usbr.gov</a></p>   | <p><input type="checkbox"/> U.S. Mail, postage prepaid<br/> <input type="checkbox"/> Hand Delivery<br/> <input type="checkbox"/> Overnight Mail<br/> <input type="checkbox"/> Facsimile<br/> <input checked="" type="checkbox"/> Email</p>            |

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| <p>Sarah A. Klahn<br/> Mitra Pemberton<br/> WHITE JANKOWSKI<br/> 511 16<sup>th</sup> St., Ste. 500<br/> Denver, CO 80202<br/> <a href="mailto:sarahk@white-jankowski.com">sarahk@white-jankowski.com</a><br/> <a href="mailto:mitrap@white-jankowski.com">mitrap@white-jankowski.com</a></p>           | <input checked="" type="checkbox"/> U.S. Mail, postage prepaid<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Facsimile<br><input checked="" type="checkbox"/> Email |
| <p>A. Dean Tranmer<br/> City of Pocatello<br/> P.O. Box 4169<br/> Pocatello, ID 83205<br/> <a href="mailto:dtranmer@pocatello.us">dtranmer@pocatello.us</a></p>  | <input checked="" type="checkbox"/> U.S. Mail, postage prepaid<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Facsimile<br><input checked="" type="checkbox"/> Email |
| <p>William A. Parsons<br/> Parsons, Smith &amp; Stone, LLP<br/> P.O. Box 910<br/> Burley, ID 83318<br/> <a href="mailto:wparsons@pmt.org">wparsons@pmt.org</a></p>   | <input checked="" type="checkbox"/> U.S. Mail, postage prepaid<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Facsimile<br><input checked="" type="checkbox"/> Email |
| <p>Lyle Swank<br/> IDWR—Eastern Region<br/> 900 N. Skyline Drive<br/> Idaho Falls, ID 83402-6105<br/> <a href="mailto:lyle.swank@idwr.idaho.gov">lyle.swank@idwr.idaho.gov</a></p>   | <input type="checkbox"/> U.S. Mail, postage prepaid<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Facsimile<br><input checked="" type="checkbox"/> Email            |
| <p>Allen Merritt<br/> Cindy Yenter<br/> IDWR—Southern Region<br/> 1341 Fillmore St., Ste. 200<br/> Twin Falls, ID 83301-3033<br/> <a href="mailto:allen.merritt@idwr.idaho.gov">allen.merritt@idwr.idaho.gov</a><br/> <a href="mailto:cindy.yenter@idwr.idaho.gov">cindy.yenter@idwr.idaho.gov</a></p> | <input type="checkbox"/> U.S. Mail, postage prepaid<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Overnight Mail<br><input type="checkbox"/> Facsimile<br><input checked="" type="checkbox"/> Email            |



Deborah Gibson  
Administrative Assistant to the Director