

40,819 acre-feet to AFRD2 and 5,176 to TFCC or alternatively, notify the Department of their intention to implement Step 10. *Id.* at 5.

The Director adjusted the carryover shortfall as a result of a recently approved interim CM Rule 43 mitigation plan for Southwest Irrigation District (“SWID”) and Goose Creek Irrigation District (“GCID”). *2013 Step 9 Order* at 4. With the acceptance of the SWID and GCID interim mitigation plan, material injury to the SWC in association with ground water pumping by SWID and GCID is being mitigated for this year. The acceptance of the mitigation plan necessitated that the carryover shortfall obligation be proportionately reduced¹ in recognition of the SWID and GCID mitigation plan.

On December 11, 2013, the Director received *Surface Water Coalition’s Petition for Reconsideration and Request for Hearing on Final Order Establishing 2013 Reasonable Carryover (Step 9) / Motion to Authorize Discovery* (“Petition”). One issue raised in the Petition relates to the adjustment to the carryover shortfall as a result of the SWID and GCID interim mitigation plan. The SWC questions the adjustment’s accuracy. *Petition* at 2.

Previously, the Director denied the SWC’s requests for hearing because, in the view of the Director, the SWC was seeking a hearing on issues already considered in a hearing or issues not properly raised. Here, a hearing has not been held on the issue of how a mitigation plan like the SWID/GCID mitigation plan should be accounted for in the Step 9 order. A hearing should be allowed for this narrow purpose.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED as follows:

The Director GRANTS the SWC’s request for a hearing on the issue of the Department’s adjustment to the carryover shortfall as a result of the SWID and GCID interim mitigation plan. A prehearing conference will be noticed in a subsequent order. Issues of discovery will be addressed at the prehearing conference.

Dated this 2nd day of January, 2014.


GARY SPACKMAN
Director

¹ The proportionate reduction is based on the ratio of the impact from ground water irrigated lands within the SWID and GCID service areas to the total impact from ground water irrigated lands for which IGWA was obligated to mitigate prior to the acceptance of the SWID and GCID mitigation plan. The Department concluded the appropriate ratio is 10% or 0.10.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of January, 2014, the above and foregoing, was served by the method indicated below, and addressed to the following:

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