

**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)	Docket No. CM-DC-2010-001
THE BENEFIT OF A&B IRRIGATION DISTRICT,)	
AMERICAN FALLS RESERVOIR DISTRICT #2,)	
BURLEY IRRIGATION DISTRICT, MILNER)	ORDER ON
IRRIGATION DISTRICT, MINIDOKA IRRIGATION)	RECONSIDERATION
DISTRICT, NORTH SIDE CANAL COMPANY,)	
AND TWIN FALLS CANAL COMPANY)	
_____)	

On June 23, 2010, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) issued his *Second Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* (“Methodology Order”). The Methodology Order is currently on appeal in Gooding County Case No. CV-2010-382. District Judge Eric J. Wildman issued his *Memorandum Decision and Order on Petitions for Judicial Review* (“Decision”) on September 26, 2014. The Decision affirmed in part and set aside in part the Methodology Order. *Decision* at 48.

On November 26, 2014, prior to the Decision becoming final, the Director issued his *Final Order Establishing 2014 Reasonable Carryover (Methodology Step 9)* (“Final Order”) in the above-captioned matter.

On December 10, 2014, 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”) filed with the Department, by and through counsel of record, *Surface Water Coalition’s Petition for Reconsideration* (“Petition”) of the Final Order.

The Surface Water Coalition “disputes” the Director’s “reference to and use of” the Methodology Order in the Final Order. *Petition* at 2. The Surface Water Coalition argues that “reference and reliance” upon the Final Order “does not comply” with the Decision and is “unlawful and void.” *Id.* The Surface Water Coalition also asserts the Director’s discussion in the Final Order of in-season material injury and crop water need “violates” the Decision. *Id.*

The Surface Water Coalition overreaches in its characterization of the Decision. The Surface Water Coalition’s argument fails to recognize that the District Court affirmed the Director’s process for determining reasonable carryover. *Decision* at 27. Continued reference to the affirmed reasonable carryover process is in no way unlawful or void. As to the discussion in

the Final Order of in-season material injury and crop water need, the Director concludes that a discussion of those topics is irrelevant for purposes of determining reasonable carryover. Therefore, the Director will remove Findings of Fact 3, 4 and 5 and Conclusion of Law 4 from the Final Order and will revise the first paragraph and delete the second paragraph of the "ORDER" section.

Issued contemporaneously with this *Order on Reconsideration* is an *Amended Final Order Establishing 2014 Reasonable Carryover (Methodology Step 9)* ("Amended Final Order"). The Amended Final Order incorporates the modifications discussed herein and supersedes the Final Order issued on November 26, 2014.

Dated this 26th day of December 2014.



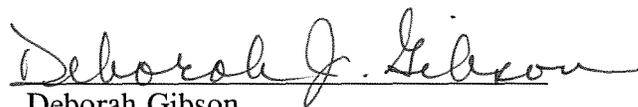
GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of December 2014, the above and foregoing, was served by the method indicated below, and addressed to the following:

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