

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

IN THE MATTER OF IDAHO GROUND)	
WATER APPROPRIATORS, INC.'S)	Docket No. CM-MP-2009-006
MITIGATION PLAN FOR CONVERSIONS,)	
DRY-UPS, AND RECHARGE)	ORDER DISMISSING
)	REQUEST FOR CREDIT
(Surface Water Coalition))	
_____)	

On March 23, 2012, Idaho Ground Water Appropriators, Inc. (“IGWA”), submitted its *Request for 2012 Mitigation Credit for the SWC Delivery Call* (“Request for Credit”) under IGWA’s approved *Mitigation Plan for Conversions, Dry-Ups and Recharge*. IGWA filed its Request for Credit “so that its mitigation activities will be taken into account by the Director in preparing the 2012 April Forecast Supply Order.” *Request for Credit* at 2.

On April 13, 2012, the Interim Director of the Department of Water Resources (“Director”), issued his Final Order Regarding April 2012 Forecast Supply (“April Forecast Order”). The Director found that “[f]or the 2012 irrigation season, no material injury is predicated to members of the [Surface Water Coalition].”¹ *April Forecast Order* at 6.

Given that there is no shortfall and no mitigation obligation for IGWA under the April Forecast Order, the Director finds that the request for credit is moot and hereby dismisses the request.

¹ On April 27, 2012, the Surface Water Coalition filed a *Petition Requesting Hearing on Director's Final Order Regarding April 2012 Forecast Supply (Methodology Steps 1-8) / Motion to Authorize Discovery*. The Director denied the request on May 9, 2012 and the Surface Water Coalition subsequently filed a notice of appeal. The appeal is currently stayed. *Order Staying Proceedings Pursuant to Stipulation*, CV-2012-2096 (Fifth Jud. Dist., June 14, 2012). If, as a result of the appeal, it is later determined that IGWA owed a mitigation obligation in 2012, IGWA may resubmit its request for credit.

ORDER

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

IGWA's Request for Credit is DISMISSED without prejudice.

DATED this 29th day of June, 2012.



Gary Spackman
Interim Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of June, 2012, the above and foregoing document was served on the following by providing a copy of the ORDER DISMISSING REQUEST FOR CREDIT in the manner selected:

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