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 Docket No. CM-MP-2015-003 **ORDER STAYING HEARING RE: A&B'S REQUEST FOR MITIGATION CREDIT FOR AQUIFER ENHANCEMENT ACTIVITIES**
IN THE MATTER OF THE MITIGATION PLAN FILED BY A&B IRRIGATION DISTRICT FOR THE DISTRIBUTION OF WATER TO WATER RIGHTS HELD BY THE SURFACE WATER COALITION	

BACKGROUND

On April 19, 2016, the Director ("Director") of the Idaho Department of Water Resources ("Department") issued the *Fourth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* ("Methodology Order"). The Methodology Order established nine steps for determining material injury to members of the Surface Water Coalition.

On April 19, 2016, the Director issued the *Final Order Regarding April Forecast Supply (Methodology Steps 1-3)* ("As-Applied Order"), which applied steps 1, 2, and 3 of the Methodology Order. The Director predicted an in-season demand shortfall ("DS") of 44,200 acre-feet. *As-Applied Order* at 3-4.

On May 2, 2016, A&B Irrigation District ("A&B") submitted to the 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.

On May 11, 2016, the Director issued an *Order Determining Deficiency in A&B Irrigation District's Notice of Mitigation* ("Deficiency Order"). The Director declined to reduce

A&B's proportionate share of the predicted DS "because of the effects of aquifer enhancement activities," but decided to set and hear oral argument on the issue pursuant to the Department's Rule of Procedure 563. *Deficiency Order* at 3. The Director subsequently issued a *Notice of Pre-Hearing Conference* scheduling a pre-hearing conference on the issue for May 19, 2016, at 11:00 a.m.

On May 19, 2016, the Director held the pre-hearing conference. Counsel for A&B, the Idaho Ground Water Appropriators, Inc., and the City of Pocatello participated by teleconference. Counsel for A&B requested the Director stay the hearing on the issue of whether A&B's proportionate share of the predicted DS should be reduced because of the effects of aquifer enhancement activities.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the hearing on the issue of whether A&B's proportionate share of the predicted DS should be reduced because of the effects of aquifer enhancement activities is STAYED.

DATED this 24th day of May 2016.

Gary Spackman
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of May 2016, the above and foregoing was served on the following by the method(s) indicated below:

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Deborah J. Gibson

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