

SWC filed a *Motion to Augment Record* requesting that certain portions of the record in TFCC 2010-382 be included in this matter. The Idaho Department of Water Resources and Idaho Ground Water Appropriators, Inc. filed *Oppositions* to the request for consolidation. No objections were filed in opposition to the request to augment the record. Hearing on the *Motions* was held on October 15, 2010. At the hearing the Court ruled from the bench denying the SWC's request for consolidation and granting its *Motion to Augment Record*. This *Order* supplements the Court's bench ruling.

A court's decision whether to grant or deny a request for consolidation is a discretionary one. *Branom v. Smith Frozen Foods of Idaho, Inc.*, 83 Idaho 502, 508, 365 P.2d 958, 961 (1961). A court may order consolidation if the court is of the opinion that it may expedite its business and further the interests of the litigants, at the same time minimizing the expense upon the public and the litigants alike. *Id.*

The SWC argued that in order for this matter to properly be placed in context certain portions of the record in TFCC 2010-382 should be included in the record for this matter. It was the SWC's position that consolidation of the two cases would provide convenience to the Court and to the parties since the same factual record is pertinent, at least in part, to both cases. However, representations made at the hearing by the parties establish that although some factual similarities exist between the two cases this is not a situation where the parties will have to argue the same issues in two different cases. That is, the legal issues arising in TFCC 2010-382 will not need to be litigated in this matter and vice versa. Therefore the Court was not convinced that consolidation would promote judicial economy. As a result, the Court determined that the concerns of the parties can be addressed by granting the request to augment the record and denying the consolidation request.

THEREFORE THE FOLLOWING ARE HEREBY ORDERED.

1. The SWC's *Motion for Consolidation* is hereby **denied**.
2. The SWC's *Motion to Augment Record* is hereby **granted**, and the Record in this

matter shall be augmented to include the following documents:

Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover (April 7, 2010).

Second Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover (June 23, 2010).

Order Regarding April 2010 Forecast Supply (Methodology Steps 3 & 4) (April 29, 2010)

Order Regarding IGWA Mitigation Obligation (May 17, 2010).

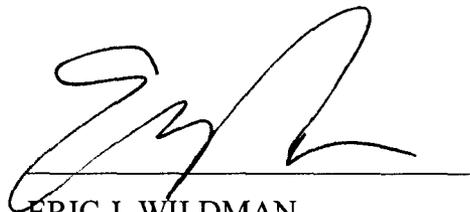
Final Order Regarding April 2010 Forecast Supply (Methodology Steps 3 & 4); Order on Reconsideration (June 24, 2010).

Transcript, As Applied Order Hearing (Vols. I-II) (May 24-25, 2010).

Transcript, Methodology Order Hearing (May 24, 2010).

IT IS SO ORDERED.

Dated October 15, 2010.


ERIC J. WILDMAN
District Judge

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING MOTION FOR CONSOLIDATION / ORDER GRANTING MOTION TO AUGMENT RECORD was mailed on October 15, 2010, with sufficient first-class postage to the following:

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