

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

IN THE MATTER OF EXPANSION
GROUND WATER RIGHTS IN THE RAFT
RIVER CRITICAL GROUND WATER
AREA

**AMENDED FINAL ORDER RE:
MANAGEMENT PROGRAM AND
CURTAILING EXPANSION RIGHTS**

BACKGROUND

On August 26, 2016, the Idaho Department of Water Resources (“Department”) issued the *Final Order Re: Management Program and Curtailing Expansion Rights* (“Order”) in the above-captioned matter. In accordance with the requirements of Idaho Code § 42-1416B, the Director (“Director”) of the Department found that the *Critical Ground Water Area Management Plan* submitted by the Raft River Ground Water District “is not adequate to bring withdrawals into balance with recharge” in the Raft River Critical Ground Water Area (“RRCGWA”). *Order* at 8. Therefore, the Director ordered as follows:

IT IS HEREBY ORDERED that all holders of expansion rights in the RRCGWA listed in Attachment A to this order must reduce withdrawal of water pursuant to the SRBA partial decrees for those rights.

IT IS FURTHER ORDERED that each ground water right holder listed in Attachment A with an irrigation water use must reduce the number of acres irrigated pursuant to the water right holder’s expansion right/s by one third beginning with the 2017 growing season, by an additional one third beginning with the 2018 growing season, and completely curtail use in subsequent growing seasons. Each water right holder listed in Attachment A must submit to the Department and the Water District 143 watermaster documentation of the acres that will be curtailed before the 2017 and 2018 growing seasons. Documentation for the 2017 growing season must be submitted by November 15, 2016. Documentation for the 2018 growing season must be submitted by November 15, 2017.

Order at 8-9 (footnote omitted).

On September 6, 2016, Brockway Engineering P.L.L.C. submitted to the Department a petition for reconsideration (“Petition”) on behalf of expansion ground water right holders Brooke and Stacy Holtman (collectively referred to herein as “Holtman”). The Petition “requests

that allowances for combined limits be included in the evaluation of expansion acreage for water rights 43-10539 and 43-10541, and that the curtailment will not require all of the decreed value be curtailed under the [Order].”

Holtman owns two expansion ground water rights decreed as water right nos. 43-10539 (101.6 acres) and 43-10541 (52 acres). These two rights are an expansion of ground water right no. 43-2450D (76 acres). Two other ground water rights associated with the Holtman property are decreed as water right nos. 43-2447B (56 acres) and 43-2448B (56 acres), with a combined use limit of 108.5 acres that overlaps with the expansion acres. All five ground water rights have a decreed combined use limit of 264 acres. Two additional ground water rights associated with the Holtman property are decreed as water right nos. 43-2451 (318 acres) and 43-2449 (320 acres). The final decreed combined use limit on all seven water rights is 902 acres (264 + 318 + 320). After curtailment of the expansion ground water rights, the total number of acres authorized for irrigation on the Holtman property is 822.5 (76 + 108.5 + 318 + 320). Subtracting 822.5 from the 902 acre combined use limit demonstrates that 79.5 acres on the Holtman property are expansion acres not otherwise described by non-expansion ground water rights appurtenant to the same place of use. In other words, while the Order requires that Holtman curtail use of water on all 153.6 expansion acres *pursuant to the expansion rights* after the 2018 growing season, Holtman may still be able to irrigate 74.1 (153.6 – 79.5) of those 153.6 acres *pursuant to non-expansion ground water rights* appurtenant to the same place of use.

The Order clearly specifies that “each ground water right holder listed in Attachment A with an irrigation water use must reduce the number of acres irrigated *pursuant to the water right holder’s expansion right/s*.” Order at 8-9 (emphasis added). However, as the Holtman example illustrates, expansion rights and non-expansion rights appurtenant to the same place of use must be evaluated to determine the number of acres water users must curtail pursuant to the Order. The Director will modify the Order to clarify that the Department will evaluate expansion rights and non-expansion rights appurtenant to the same place of use and any associated combined use limits in determining the number of acres water users must curtail.

The *Amended Final Order Re: Management Program and Curtailing Expansion Rights* (“Amended Order”) is set forth below. The only differences between the Order and the Amended Order are the correction of one clerical error (i.e. the date in Finding of Fact 20) and the language of the ORDER section.

FINDINGS OF FACT

Background

1. On July 23, 1963, the Director (“Director”) of the Idaho Department of Water Resources (“Department”)¹ issued an order designating the Raft River Critical Ground Water Area (“RRCGWA”) pursuant to Idaho Code § 42-233a. *Designation of Raft River Critical Ground Water Area* (July 23, 1963). The designated area included ground water located within the entire Raft River drainage area in the Department’s Administrative Basin No. 43, and the

¹ At the time, the Department was known as the Idaho Department of Reclamation.

Marsh Creek drainage area (Albion Basin) within the Department's Administrative Basin No. 45. The order stated that, "withdrawals of underground water [are] approaching the estimated amount of water available and there are a number of valid permits outstanding which have not reported."

2. The boundary of the RRCGWA was modified four times since 1963 following completion of various studies of the Raft River basin. On August 2, 1965, an area on the extreme northern boundary was removed from the RRCGWA. On September 19, 1966, the Albion Basin on the west side of the Raft River Basin was removed. On November 16, 1970, the area north of Yale road was removed. On June 30, 1977, the Elba and Yost-Almo sub-basins were removed.

3. Idaho Code § 42-1416B, enacted on March 2, 1989, allows uses of ground water in a critical ground water area expanded in violation of mandatory permit requirements to be "decreed in a general water rights adjudication if the expansion occurred after the designation of the critical ground water area, before the commencement of the adjudication, and before the date of enactment of" the statute.

4. The RRCGWA is located within the Snake River Basin. A general adjudication of the Snake River Basin was completed on August 26, 2014, through issuance of the *Final Unified Decree* by the Snake River Basin Adjudication ("SRBA) District Court. *See Final Unified Decree, In re SRBA, Case No. 39576* (Fifth Jud. Dist. Ct. Aug. 26, 2014).

5. The SRBA District Court issued seventy-five partial decrees in the RRCGWA based on water right claims filed pursuant to Idaho Code § 42-1416B. Nearly all of the seventy-five ground water expansion rights are for irrigation use.² The total number of irrigated acres represented by all RRCGWA expansion rights is 6,804.

6. Idaho Code § 42-1416B(2) states that, even if expansion rights are decreed in a general water rights adjudication, water will not be deemed available to "fill the rights for expanded use . . . unless the [D]irector finds that a management program exists which will, within a time period acceptable to the [D]irector, limit the average annual water withdrawals from the aquifer designated in the critical ground water area to no more than the average annual recharge to the aquifer."

7. The Director must "make a finding as to whether an adequate management program exists to bring withdrawals into balance with recharge." Idaho Code § 42-1416B(3). The finding must occur "[w]ithin two (2) years after a decree determining the water rights within

² Seventy-three of the ground water expansion rights are for irrigation, one right is for cooling held by US Geothermal (43-10069), and one right is for domestic and stockwater use, limited to 13,000 gallons per day (43-13035). This order will not apply to domestic and stockwater uses as defined in Idaho Code §§ 42-111 & 42-1401A(11). Water right 43-10069 was decreed in the SRBA as an expansion water right for the irrigation of an additional 542 acres, with no additional diversion rate or volume. Water right 43-10069 and its companion water rights have since been transferred to a new use, cooling, which does not include the irrigation of acres. Because no acres are being irrigated pursuant to water right 43-10069, and the water right does not allow additional diversion rate or volume to US Geothermal, US Geothermal is effectively not exercising water right 43-10069. No additional action will be required by US Geothermal related to water right 43-10069.

a critical ground water area becomes final, but not sooner than four (4) years from the date of enactment” of Idaho Code § 42-1416B. *Id.*

8. “If the [D]irector finds that an adequate management program to bring withdrawals into balance with recharge does not exist, the [D]irector shall order all holders of rights to expanded use of ground water within the area to cease or reduce withdrawal of water . . .” Idaho Code § 42-1416B(4). “The [D]irector’s order shall be issued before September 1 and shall be effective beginning with the following irrigation season.” *Id.*

9. In accordance with Idaho Code § 42-1416B, the Director must find whether an adequate management program exists to bring withdrawals into balance with recharge in the RRCGWA by August 26, 2016. If the Director finds an adequate management program does not exist, the Director must order all holders of expansion rights in the RRCGWA to cease or reduce withdrawal of water.

10. On February 18, 2015, the Department held a public information meeting in Malta, Idaho to inform holders of ground water expansion rights about the requirements of Idaho Code § 42-1416B. Notice of the public meeting was mailed to holders of all expansion rights in the RRCGWA on February 5, 2015.

11. At the public information meeting, Department staff offered the following suggestions and timelines for addressing expansion rights in the RRCGWA:

- From February 2015 to April 2016, water users should decide on and/or develop one management program for all expansion rights in the RRCGWA for submittal to the Director; and
- From April 2016 to September 1, 2016, the Director will review any submitted management program and issue findings regarding the adequacy of the program to bring withdrawals into balance with recharge.

12. Department staff also presented the following data:

- A United States Geological Survey (“USGS”) study estimated that ground water withdrawals in the Raft River Basin exceeded recharge by 103,000 acre-feet in 1966. Walker, E.H., Dutcher, L.C., Decker, S.O., and Dyer, K.L., *The Raft River Basin, Idaho-Utah, As of 1966: A Reappraisal of the Water Resources and Effects of Ground-Water Development* (Aug. 1970);
- A Department analysis of historical water level trends for seventeen wells within the RRCGWA and three wells just outside the RRCGWA showing a general on-going decline in water levels.

13. On June 3, 2015, the Department held a public information meeting in Malta, Idaho to inform all water users in Administrative Basin 43 about creation of a water district to include administration of ground water rights. Notice of the public meeting was mailed to holders of surface water and ground water rights in Basin 43 except domestic and stockwater

rights as defined under Idaho Code §§ 42-111 and 42-1401A(11), or in-stream stockwater rights as defined under Idaho Code § 42-113(1).

14. At the public meeting, Department staff informed water users that the Department proposed a new or revised water district in Basin 43 for several reasons, including potential regulation of ground water expansion rights in the RRCGWA.

15. On October 26, 2015, the Director issued a notice proposing to create a water district pursuant to the provisions of Idaho Code § 42-604. The Department sent notice by regular U.S. Mail on October 27, 2015, to each holder of a ground water right in the Raft River Basin, except ground water domestic and stock water rights as defined under Idaho Code §§ 42-111 and 42-1401A(11), and ground water rights within Water District 130 overlying the Eastern Snake Plain Aquifer (“ESPA”). The hearing notice described the proposed district, the reasons for establishing the proposed district, and the time and place for a hearing on November 12, 2015. The notice explained that creation of the water district was necessary in order to properly administer ground water rights within the Raft River Basin and to facilitate the measurement and reporting of ground water diversions.

16. On November 12, 2015, the Department held a public hearing concerning the proposed creation of a new water district in the Raft River basin. Department staff presented information about the creation of the proposed district and stated reasons for creation of the district, including the need to potentially regulate ground water expansion rights in the RRCGWA.

17. On December 2, 2015, the Department issued a *Preliminary Order Creating Water District No. 143* for the administration of ground water rights in the Raft River Basin. The new water district includes all ground water rights in Administrative Basin 43 except ground water domestic and stock water rights as defined under Idaho Code §§ 42-111 and 42-1401A(11), and ground water rights within Water District 130 overlying the ESPA.

18. On March 24, 2016, the Department mailed notice to all holders of expansion rights in the RRCGWA that the Department had set June 15, 2016, as the deadline for submitting a management program to the Director. The notice explained the requirements of Idaho Code § 42-1416B. The notice specifically stated that “all expansion rights will be curtailed in 2017 if a management program is not submitted and accepted by the Department.”

19. The first annual meeting of the water users of Water District No. 143 was held on March 29, 2016. Water users at the annual meeting elected a watermaster, adopted resolutions and selected an advisory committee. According to the annual meeting minutes, Department staff and water users discussed several issues, including ground water expansion rights in the RRCGWA. Department staff addressed several questions regarding expansion ground water rights.

20. On June 15, 2016, the Raft River Ground Water District (“RRGWD”) submitted to the Director its *Critical Ground Water Area Management Plan* (“Management Plan”). The Management Plan states that the “plan is adaptable and has the potential to allow RRGWD to

mitigate for the expanded acres and to balance the aquifer.” *Management Plan* at 1. RRGWD “requests [Department] support to allow implementation of this plan.” *Id.* At 5.

21. On August 22, 2016, the RRGWD submitted a letter to the Director concerning the Management Plan.

Analysis of RRGWD’s Management Plan

22. The Management Plan identifies three primary management strategies including: 1) a volume reduction program; 2) voluntary curtailment acres (including voluntary curtailments and water right acres enrolled in the Conservation Reserve Enhancement Program (“CREP”)); and 3) recharge.

23. With respect to the first component, RRGWD estimates that the ground water volume reduction program will result in the reduction of at least 9,000 acre-feet. *Management Plan* at 2-3.

24. With respect to the second component, the Management Plan includes two categories of voluntary curtailment acres: 1) “those acres in CREP or other set-aside program” and 2) “those [acres] voluntarily curtailed outside of any program.” *Management Plan* at 3. The Management Plan lists over 11,000 idled or voluntary curtailment acres; the RRGWD submitted a digital GIS shape file showing the location of 11,426 acres. *Id.* at 3.

25. Department staff reviewed the 11,000 plus voluntary curtailment acres identified by the Management Plan with the overlying authorized ground water rights. The staff review results in the following observations or findings:

- About 7,700 acres have been idled since at least 2011 or longer;
- About 1,940 acres are not eligible for voluntary curtailment because they are within water right permissible place of use descriptions and exceed the maximum number of authorized acres already irrigated under the rights. For example, a water right limits irrigation to 800 acres in a 1,000 acre permissible place of use, 800 acres are irrigated, and the remaining 200 acres of non-irrigated lands in the permissible place of use are identified by RRGWD as voluntary curtailment acres. In this example, the 200 acres exceed the number of irrigated acres authorized by the water right, so the 200 acres cannot be claimed as voluntary curtailment acres;
- About 950 acres are currently leased to the Water Supply Bank and have been idle since 2011. Water right acres leased to the Water Supply Bank that can be rented and used in the future cannot be considered for voluntary curtailment; and
- Department staff estimate that less than 4,000 acres have been irrigated at least one year out of the past five years; approximately 1,300 acres have been irrigated in each of the past five years.

26. The benefit due to voluntary curtailment acres proposed in the Management Plan is overestimated. About 2,890 acres are not eligible to be claimed as voluntary curtailment acres. Additionally, up to 7,700 acres have been idle or not irrigated since at least 2011 while ground water levels have continued to decline. Although the Department encourages voluntary curtailments, the inclusion of lands in a voluntary curtailment program that have not been irrigated for many years does not result in new or additional water use reductions to the aquifer and will not reverse declining water level trends.

27. With respect to the third component, the Management Plan includes the following features, objectives, or statements regarding recharge:

- RRGWD holds seven permits for recharge including four from the Raft River and three from Cassia Creek; the total combined rate of flow and water right volume under the seven permits is 50 cfs and 20,000 acre-feet respectively;
- “Construction of five shallow injection sites and four deep injection sites has been completed as of the 2016 irrigation season”;
- 2016 “recharge volumes will be reported to [the Department] when available from Cassia Creek and Upper Raft River Water District watermasters”;
- “Water availability for recharge in the basin is a major limiting factor for the recharge”;
- “A review of previous water availability suggest[s] limited amounts of water will be available for recharge nearly every year with large volumes available one out of every five or six years...”; and
- Possible construction of a pipeline from the Snake River for conversions and recharge in the future.

Management Plan at 3-4.

28. The RRGWD’s August 22, 2016, letter regarding the Management Plan adds that, while the deep injection “wells have yet to be utilized,” RRGWD estimates “that a total volume of 5,000 acre feet has seeped into the subsurface through” the five shallow injection wells since construction on the wells began in 2011. RRGWD states in the letter that “three additional shallow injection wells” will be constructed this year and the “recharge program will continue to be enhanced resulting in maximized recharge.”

29. The Department encourages recharge projects as a component of any aquifer management program, particularly when the recharge water is new water to the local aquifer that would not otherwise be there without the targeted recharge.

30. The RRGWD ground water recharge permits from Cassia Creek and Raft River do not represent a new or different source of supply to the RRCGWA aquifer, except in those

rare instances when the Raft River is hydraulically connected to the Snake River and water flows out of the basin via surface stream channels. Most of the water supply from Cassia Creek or the Raft River available for recharge typically remains in the Raft River basin and sinks into the ground before it can discharge into the Snake River. Recharge pursuant to the Cassia Creek and Raft River permits may spatially relocate historic naturally occurring recharge and benefit local targeted areas of the RRCGWA aquifer, but will not typically change or benefit the overall balance of the RRCGWA aquifer.

31. As stated in the Management Plan, the available water supply from Cassia Creek and the Upper Raft River that can be used for recharge is limited. *Management Plan* at 4. For example, the mean monthly flow of the Raft River above One Mile Creek (located 17 miles southwest of Malta) during the non-irrigation season (November through March) for the period 2004 through 2015 ranges from 5.8 cfs to 18 cfs. *USGS Streamflow Records – Raft River above One Mile Creek – 13078000*.

32. Setting aside the fact that recharge from Cassia Creek and Raft River may not benefit the overall balance of the RRCGWA aquifer, the RRGWD's estimated total recharge of 5,000 acre-feet from Cassia Creek and Raft River since 2011 results in an average recharge of about 1,000 acre-feet per year. Even with additional build-out of recharge facilities under the existing ground water recharge permits and assuming full water right volume diversion capacity every five to six years, average annual recharge under the permits may be as much as 4,000 acre-feet per year.

33. The RRGWD's August 22, 2016, letter also adds that the possible pipeline "to bring Snake River water into the basin" has been designed for a capacity of 75 cfs and 25,000 acre-feet per year with an estimated cost of nine million dollars. However, no water supply or water rights from the Snake River have been secured for the project as of August 2016. The Department cannot assume any benefit for the possible pipeline in its analysis of the Management Plan.

34. Even assuming, without accepting, that the Management Plan's ground water volume reduction program will result in the reduction of at least 9,000 acre-feet, and setting aside Department staff concerns regarding the Management Plan's proposals for voluntary curtailment acres and recharge from Cassia Creek and Raft River pursuant to existing recharge permits, at best, the Management Plan proposes a benefit to the aquifer of 39,508 acre feet per year (9,000 due to volume reduction + 26,508 due to voluntary curtailment acres (11,426 acres * 2.32 acre-feet/acre) + 4,000 due to recharge).

Finding Pursuant to Idaho Code § 42-1416B

35. Again, Idaho Code § 42-1416B requires the Director find whether an adequate management program exists to bring withdrawals into balance with recharge in the RRCGWA by August 26, 2016. If the Director finds an adequate management program does not exist, the Director must order all holders of expansion rights in the RRCGWA to cease or reduce withdrawal of water.

36. As stated in Finding of Fact 12, a USGS study estimated that ground water withdrawals in the Raft River Basin exceeded recharge by 103,000 acre-feet in 1966. Walker, E.H., Dutcher, L.C., Decker, S.O., and Dyer, K.L., *The Raft River Basin, Idaho-Utah, As of 1966: A Reappraisal of the Water Resources and Effects of Ground-Water Development* (Aug. 1970).

37. The Department routinely measures nineteen wells within the RRCGWA. Only eighteen wells have enough data to analyze. Of those eighteen, all twelve in the northern part of the RRCGWA and five of six in the southern part of the RRCGWA exhibit average annual water level declines. An analysis of eight wells with adequate spring-season data from 1966 through 2016 demonstrates that the basin-wide average decline from 1966-1991 is 0.85 feet per year and the 1991-2016 basin-wide average decline is 2.05 feet per year.

38. Given continuously declining water level trends in the RRCGWA since the USGS issued its study in 1970, it is reasonable to assume that ground water withdrawals in the Raft River Basin still exceed recharge by at least 103,000 acre feet per year.

39. The RRGWD's August 22, 2016, letter states that its own consultant estimates a "deficit number of 50,000 acre feet per year."

40. As stated in Finding of Fact 34, at best, the Management Plan proposes a benefit to the aquifer of 39,508 acre feet per year.

41. The Director finds that the Management Plan is not adequate to bring withdrawals into balance with recharge in the RRCGWA.

CONCLUSIONS OF LAW

1. The Director is responsible for direction and control over the distribution of water in accordance with the prior appropriation doctrine as established by Idaho law within water districts to be accomplished through watermasters supervised by the Director as set forth in chapter 6, title 42, Idaho Code.

2. Idaho Code § 42-604 authorizes the Director to form water districts as necessary to properly administer uses of water from public streams, or other independent sources of water supply, for which a court having jurisdiction thereof has adjudicated the priorities of appropriation.

3. The Director established Water District 143, which includes all of the area within the boundaries of the RRCGWA, to properly administer ground water rights within the Raft River Basin pursuant to administration authorities set forth in chapter 6, title 42, Idaho Code.

4. Again, Idaho Code § 42-1416B(3) requires that, because a general adjudication of the Snake River Basin was completed on August 26, 2014, through issuance of the *Final Unified Decree*, the Director must find whether an adequate management program exists to bring withdrawals into balance with recharge in the RRCGWA by August 26, 2016. If the Director

finds an adequate management program does not exist, the Director must order all holders of expansion rights in the RRCGWA to cease or reduce withdrawal of water. I.C. § 42-1416B(4).

5. As explained in Findings of Fact 35 through 41, the Director finds that the Management Plan is not adequate to bring withdrawals into balance with recharge in the RRCGWA. In accordance with Idaho Code 42-1416B, the Director must order all holders of expansion rights in the RRCGWA to cease or reduce withdrawal of water.

ORDER

IT IS HEREBY ORDERED that each ground water right holder listed in Attachment A to this order must reduce the number of acres irrigated pursuant to the water right holder's expansion right/s by one third beginning with the 2017 growing season, by an additional one third beginning with the 2018 growing season, and completely curtail use in subsequent growing seasons.³

IT IS FURTHER ORDERED that each water right holder listed in Attachment A must submit to the Department and the Water District 143 watermaster documentation of the acres that will be curtailed before the 2017 and 2018 growing seasons. Documentation for the 2017 growing season must be submitted by December 12, 2016. Documentation for the 2018 growing season must be submitted by November 15, 2017. The Department will evaluate expansion rights and non-expansion rights appurtenant to the same place of use and any associated combined use limits in determining the number of acres water users must curtail.

DATED this 21st day of September 2016.



GARY SPACKMAN
Director

³ Idaho Code § 1416B(5)(a) explains that "[e]xpanded use' means an increase in the number of acres irrigated, or other additional use, under a valid ground water right without any increase in the rate of diversion or volume of water diverted." Accordingly, the expansion rights for irrigation in the RRCGWA have no associated volume and curtailment must be done through a reduction of acres irrigated pursuant to the water rights.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of September 2016, I served a true and correct copy of the foregoing document by U.S. mail, postage prepaid to the following:

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246 E 300 S
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ALMO ID 83312

CORDELL SHERIDAN
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DECLO ID 83323

DIANA M WHEELER
MICHAEL P WHEELER
2155 E 100 S
DECLO ID 83323

ANDREW W WHITAKER
TIA K WHITAKER
2244 E 1500 S
MALTA ID 83342

ARDEN EUGENE WICKEL
WYNELL F WICKEL
2337 E 1500 S
MALTA ID 83342

ARDEN EUGENE WICKEL
WYNELL F WICKEL
D L EVANS BANK
PO BOX 87
TWIN FALLS ID 83303

JANET YATES
KIRTLAND YATES
1941 S 2450 E
MALTA ID 83342



Deborah J. Gibson
Administrative Assistant to the Director
Idaho Department of Water Resources

Attachment A

Current Owner	Water Right No.	Priority Date	Diversion Rate (cfs)	Water Use	Total Acres	Acre Limit
ADT FARMS LLC	43-13718	6/30/1985	0.130	IRRIGATION	1,306.0	10.8
ADT FARMS LLC; RELAR FARMS LLC	43-13719	6/30/1985	1.390	IRRIGATION	1,306.0	113.7
ADTD FARMS LLC	43-11132B	6/30/1985	0.600	IRRIGATION	478.0	43.0
ADTD FARMS LLC	43-12989	6/30/1985	0.440	IRRIGATION	478.0	31.0
ADTD FARMS LLC	43-12990	6/30/1985	2.330	IRRIGATION	1,429.0	122.0
ADTD FARMS LLC	43-13034	6/30/1985	0.450	IRRIGATION	478.0	32.0
AGUA CALIENTE LLC	43-13038	6/30/1985	1.400	IRRIGATION	424.3	70.0
BRANCH FARMS LLC	43-11249	6/30/1985	0.190	IRRIGATION	344.0	16.0
BRANCH FARMS LLC	43-12960	6/30/1985	1.440	IRRIGATION	585.0	134.0
BRANCH, LUANN S; BRANCH, NOLAN K	43-12995	6/30/1985	0.880	IRRIGATION	213.0	63.0
BRANCH, LUANN S; BRANCH, NOLAN K	43-13074	6/30/1985	2.970	IRRIGATION	964.0	148.5
CARPENTER, ALVIN E	43-11233	6/30/1985	1.110	IRRIGATION	471.6	106.4
CLEFT OF THE ROCK FARMS	43-10645	6/30/1985	0.180	IRRIGATION	512.0	16.0
COMPTON, DEAN	43-10826	6/30/1985	0.880	IRRIGATION	266.0	88.0
COOPER, BARBARA JEAN; COOPER, LARRY	43-13353	6/30/1985	0.330	IRRIGATION	109.0	32.0
COOPER, BARBARA JEAN; COOPER, LARRY	43-13355	6/30/1985	0.180	IRRIGATION	109.0	18.0
CRANE, MARCIA L; CRANE, ROGER L	43-4207	6/30/1985	1.830	IRRIGATION	698.0	137.0
CROSS E LAND LLC	43-10597A	6/30/1985	2.960	IRRIGATION	1,706.5	188.5
DUSTY FARMS LLC	43-10334	6/30/1985	0.980	IRRIGATION	542.0	158.0
EAST VALLEY CATTLE LLC	43-10019	6/30/1985	3.660	IRRIGATION	4,631.0	466.4
EAST VALLEY CATTLE LLC	43-10365	6/30/1985	0.470	IRRIGATION	918.1	38.0
EAST VALLEY CATTLE LLC	43-10366	6/30/1985	0.140	IRRIGATION	918.1	9.7
EAST VALLEY CATTLE LLC	43-12923	6/30/1985	0.280	IRRIGATION	522.0	26.0
EAST VALLEY CATTLE LLC	43-12933	6/30/1985	0.020	IRRIGATION	4,631.0	1.5
EAST VALLEY CATTLE LLC	43-13405	6/30/1985	2.830	IRRIGATION	4,631.0	232.1
GARDINER, MARIE JEANNE; GARDINER, MATTHEW C	43-10477	6/30/1985	0.450	IRRIGATION	120.0	90.0
GARNER LAND LLC	43-4146	6/30/1985	1.470	IRRIGATION	895.9	143.7
GARNER, MICHAEL D; GARNER, TONI L	43-4206	6/30/1985	0.640	IRRIGATION	153.0	53.0
GRUSH, PETER J; GRUSH, SYLVIA T	43-10605	6/30/1985	0.430	IRRIGATION	459.0	32.0
GRUSH, PETER J; GRUSH, SYLVIA T	43-13544	6/30/1985	0.120	IRRIGATION	263.0	10.3
HARPER VALLEY LAND LLC	43-10037	6/30/1985	1.550	IRRIGATION	1,600.0	137.0
HARPER VALLEY LAND LLC	43-10632	6/30/1985	1.430	IRRIGATION	1,958.0	134.0
HARPER VALLEY LAND LLC	43-13117	6/30/1985	0.380	IRRIGATION	1,958.0	29.0
HARPER VALLEY LAND LLC	43-13356	6/30/1985	1.120	IRRIGATION	1,958.0	68.0
HARPER VALLEY LAND LLC	43-13362	6/30/1985	0.350	IRRIGATION	1,958.0	28.3
HARPER, D JAY; HARPER, JEANETTE W	43-11235	6/30/1985	1.380	IRRIGATION	362.0	127.0
HARRIS AG LLC	43-10490	6/30/1985	3.820	IRRIGATION	3,160.0	404.0
HICKEN, DORRIS W; HICKEN, ROGER W	43-13241	6/30/1985	0.960	IRRIGATION	249.0	66.1
HIGLEY, HANK T ; HIGLEY, LACEY G	43-10237	6/30/1985	0.100	IRRIGATION	158.0	5.0
HIGLEY, HANK T ; HIGLEY, LACEY G	43-10827	6/30/1985	0.310	IRRIGATION	63.0	33.5
HIGLEY, HANK T ; HIGLEY, LACEY G	43-13291	6/30/1985	0.060	IRRIGATION	100.0	4.2
HIGLEY, HANK T ; HIGLEY, LACEY G	43-13739	6/30/1985	0.160	IRRIGATION	100.0	16.5
HOLTMAN, BROOK E; HOLTMAN, STACY M	43-10539	6/30/1985	0.670	IRRIGATION	264.0	101.6
HOLTMAN, BROOK E; HOLTMAN, STACY M	43-10541	6/30/1985	0.340	IRRIGATION	264.0	52.0

Attachment A

Current Owner	Water Right No.	Priority Date	Diversion Rate (cfs)	Water Use	Total Acres	Acre Limit
IDA GOLD FARMS GENERAL PARTNERSHIP	43-13717	6/30/1985	0.010	IRRIGATION	12.7	1.2
J7 LLC	43-10500	6/30/1985	1.090	IRRIGATION	997.0	88.0
J7 LLC	43-11200	6/30/1985	0.920	IRRIGATION	997.0	116.0
JCK FARMS LLC	43-13290	6/30/1985	1.040	IRRIGATION	394.5	72.8
JONES, DIANE D; JONES, J MAX	43-13361	6/30/1985	0.130	IRRIGATION	75.0	10.7
KNUDSEN, PAT; KNUDSEN, SCOTT	43-10427	6/30/1985	0.390	IRRIGATION	118.0	31.0
NATURE FARM LLC	43-13406	6/30/1985	0.120	IRRIGATION	3,469.7	9.9
NEWMAN, JOSEPH J	43-10219	6/30/1985	1.330	IRRIGATION	415.5	178.5
PARKE, ADA; PARKE, GLENN R	43-11237	6/30/1985	0.530	IRRIGATION	244.0	48.0
PINNACLE GREAT PLAINS OPERATING CO LLC	43-10132	6/30/1985	0.380	IRRIGATION	312.0	19.0
PINNACLE GREAT PLAINS OPERATING CO LLC	43-10240	6/30/1985	0.600	IRRIGATION	5,178.6	30.0
PINNACLE GREAT PLAINS OPERATING CO LLC	43-10535	6/30/1985	3.160	IRRIGATION	5,178.6	158.0
PINNACLE GREAT PLAINS OPERATING CO LLC	43-10651	6/30/1985	1.980	IRRIGATION	5,178.6	99.0
PINNACLE GREAT PLAINS OPERATING CO LLC	43-11247	6/30/1985	0.120	IRRIGATION	141.0	6.0
PINNACLE GREAT PLAINS OPERATING CO LLC	43-13077	6/30/1985	4.840	IRRIGATION	5,178.6	242.0
PINNACLE GREAT PLAINS OPERATING CO LLC	43-13103	6/30/1985	5.690	IRRIGATION	5,178.6	393.0
PKD PROPERTIES LC; TLD PROPERTIES LLC	43-10843	6/30/1985	0.340	IRRIGATION	1,029.0	25.0
RAFT RIVER LAND & LIVESTOCK LLC	43-13023	6/30/1985	0.290	IRRIGATION	214.0	17.0
RAFT RIVER VALLEY FARMS LLC	43-10478	6/30/1985	3.800	IRRIGATION	1,653.0	298.0
RED ROCK FARMS LLC	43-13543	6/30/1985	1.710	IRRIGATION	514.0	142.7
RED ROCK FARMS LLC	43-4169	6/30/1985	1.040	IRRIGATION	324.0	231.0
SHERIDAN, CORDELL; SHERIDAN, PATRICIA	43-12993	6/30/1985	0.600	IRRIGATION	225.0	110.0
UNITED STATES OF AMERICA ACTING THROUGH	43-13242	6/30/1985	0.030	IRRIGATION	7.0	1.9
WARR, JANIS; WARR, OLENE K	43-10633	6/30/1985	0.490	IRRIGATION	223.0	32.0
WEBB BROTHERS LAND & LIVESTOCK LLC	43-10087	6/30/1985	2.980	IRRIGATION	4,326.1	327.7
WEBB BROTHERS LAND & LIVESTOCK LLC	43-13064	6/30/1985	0.840	IRRIGATION	4,326.1	77.2
WHEELER, DIANA M; WHEELER, MICHAEL P	43-10624	6/30/1985	0.830	IRRIGATION	921.0	48.0
WHITAKER, ANDREW W; WHITAKER, TIA K	43-10236	6/30/1985	0.080	IRRIGATION	86.0	6.0
WICKEL, ARDEN EUGENE; WICKEL, WYNELL F	43-13039	6/30/1985	0.640	IRRIGATION	133.0	79.0
YATES, JANET; YATES, KIRTLAND	43-10593	6/30/1985	0.840	IRRIGATION	235.0	68.5

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 740.02)

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: The petition must be received by the Department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4), Idaho Code.

REQUEST FOR HEARING

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person who is aggrieved by the action of the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action. The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. See section 42-1701A(3), Idaho Code. **Note: The request must be received by the Department within this fifteen (15) day period.**

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of: a) the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.