

**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	CM-DC-2010-001 FINAL ORDER CURTAILING GROUND WATER RIGHTS JUNIOR TO FEBRUARY 8, 1989
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The Director (“Director”) of the Idaho Department of Water Resources (“Department”) finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On April 19, 2016, the Director 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 (“SWC”).¹

2. 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. The Director ordered that, by May 3, 2016, ground water users with consumptive water rights “junior to February 8, 1989, within the Eastern Snake Plain Aquifer area of common ground water supply shall establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted DS of 44,200 acre-feet in accordance with an approved mitigation plan.” *Id.* at 6. The Director also ordered that, if such a junior ground water user cannot establish they can mitigate for their proportionate share of the predicted DS “in accordance with an approved mitigation plan, the Director will issue an order curtailing the junior-priority ground water user.” *Id.*

3. When the Director issued the As-Applied Order, three mitigation plans were approved for the SWC delivery call. The first approved mitigation plan was filed by the Idaho Ground Water Appropriators, Inc. (“IGWA”), in Docket No. CM-MP 2009-007 (“IGWA Plan”)

¹ The SWC is comprised of A&B District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company.

on November 9, 2009. The IGWA Plan generally proposes supplying water stored in Snake River reservoirs to the SWC that will be available on an annual basis for delivery to SWC entities as may be required by the Director's orders. The Director issued an *Order Approving Mitigation Plan* on June 3, 2010.

4. In the As-Applied Order, the Director explained “[t]he Department does not have sufficient information to determine IGWA’s proportionate share” of the predicted DS of 44,200 acre-feet “because the Department does not have an accurate list of all ground water rights covered under” the IGWA Plan. *As-Applied Order* at 5, n.4.

5. The second approved mitigation plan was filed by A&B Irrigation District (“A&B”) in Docket No. CM-MP-2015-003 (“A&B Plan”) on May 21, 2015. The A&B plan proposes the following activities: (a) conversion of 1,378 acres from ground water to a surface water supply and enrollment of 121 acres in the federal Conservation Reserve Enhancement Program (“CREP”), (b) development of a pumping plant and pipeline project to deliver available surface water to lands served by senior ground water right no. 36-2080, and (c) rental and delivery of available storage water in American Falls Reservoir and Palisades Reservoir. The Director issued a *Final Order Approving Mitigation Plan* on December 16, 2015.

6. In the As-Applied Order, the Director determined that A&B’s “proportionate share of the predicted DS is 3,463 acre-feet.” *As-Applied Order* at 5, n.4.

7. On May 2, 2016, A&B submitted to the Department *A&B Irrigation District’s Petition for Reconsideration and Request for Hearing Re: April 2016 As Applied Order*. The Director subsequently issued an *Order on Petition for Reconsideration and Request for Hearing* (“Order on Petition”) granting A&B’s request to re-calculate its proportionate share as set forth in the As-Applied Order. The Director determined A&B’s proportionate share of the predicted DS of 44,200 acre-feet is 2,122 acre-feet, not 3,463 acre-feet. *Order on Petition* at 2.²

8. On May 2, 2016, A&B filed *A&B Irrigation District’s Notice of Mitigation* (“A&B Notice”). A&B requested the Director “account for the predicted responses to the Near Blackfoot to Minidoka reaches of the Snake River resulting from” its conversion and CREP activities and “adjust the ‘proportionate share’ determination accordingly.” *A&B Notice* at 4. A&B stated that, “[i]n the event A&B still has an outstanding obligation that is not mitigated for, A&B will have available storage water to provide to injured [SWC] members if needed” and requested “the Director accept [the A&B Notice] and remove A&B’s affected groundwater rights from any curtailment order.” *Id.*

9. On May 11, 2016, the Director issued an *Order Determining Deficiency in A&B Irrigation District’s Notice of Mitigation* (“Deficiency Order”). The Director concluded the A&B Notice did not sufficiently document, to the satisfaction of the Director, that A&B can

² A&B also argued in its petition for reconsideration that the Director erroneously excluded “certain juniors from administration” and, therefore, “artificially enlarged the mitigation obligation of A&B contrary to Idaho’s constitution and water distribution statutes” and requested a hearing on the issue pursuant to Idaho Code § 42-1701A (3). The Director granted A&B’s request for hearing, but ordered the “granting of this hearing does not stay the effectiveness of the Methodology Order or As-Applied Order.” *Order on Petition* at 3.

mitigate for its proportionate share of the predicted DS (2,122 acre-feet). *Deficiency Order* at 4. The Director ordered that A&B's affected ground water rights would be subject to an order curtailing junior-priority ground water users unless, by May 13, 2016, A&B submitted adequate documentation to the Department establishing it had secured the water necessary to mitigate for its proportionate share of the predicted DS. *Id.*³

10. On May 13, 2016, A&B submitted to the Department *A&B Irrigation District's Notice of Communication to Water District 01 Watermaster/Request for Hearing* ("Notice of Communication"). Attached to the Notice of Communication is the May 13, 2016, letter A&B sent to the watermaster for Water District 01 in compliance with the Director's Deficiency Order.

11. The third approved mitigation plan was filed by Southwest Irrigation District, Goose Creek Irrigation District (collectively, "SWID"), and the SWC in Docket No. CM-MP-2010-001 ("SWID Plan") on February 9, 2016. SWID and the SWC filed the SWID plan in accordance with Rule 43.03.o of the Department's Rules for Conjunctive Management of Surface and Ground Water Resources ("CM Rules"). IDAPA 37.03.11 *et seq.* The SWID Plan proposes that SWID will complete certain aquifer enhancement activities on an annual basis, including ground water recharge, conversions, and voluntary curtailment. In exchange, the SWC agrees that SWID's members' junior priority ground water rights should not be subject to curtailment in response to the SWC delivery call during the term of the SWID Plan (effective until December 31, 2016). The Director issued a *Final Order Approving Mitigation Plan for 2016* on March 29, 2016.

12. In the As-Applied Order, the Director determined that "SWID's proportionate share of the predicted DS of 44,200 acre-feet is 956 acre-feet." *As-Applied Order* at 5, n.4. However, the Director concluded that, "due to the nature of SWID's mitigation plan, SWID does not need to establish that it can mitigate for its proportionate share of the predicted DS." *Id.*

13. A fourth mitigation plan was recently approved that was filed by the City of Pocatello, City of Idaho Falls, Coalition of Cities⁴ (collectively, "Cities"), and the SWC in Docket No. CM-2016-002 ("Cities' Plan") on March 15, 2016. Like the SWID Plan, the Cities and SWC filed the Cities' Plan in accordance with CM Rule 43.03.o. The Cities' Plan proposes delivery of 2,600 acre-feet of water to the storage accounts selected by the SWC and previous activities that recharged the ground water with surface water. The Cities and SWC agree that the activities described in the Cities' Plan will mitigate for any injury to the SWC's water rights caused by the Cities' ground water pumping and that the Cities' water rights should not be subject to curtailment during the term of the Cities' Plan (effective until December 31, 2016). The SWC also agrees that delivery of 2,600 acre-feet will mitigate injury to the SWC caused by pumping under junior ground water rights by all municipal corporations with wells located

³ The Director also ordered that, "pursuant to the Department's Rule of Procedure 563, the Director will set and hear oral argument on the issue of whether A&B's proportionate share of the predicted DS should be reduced because of its aquifer enhancement activities." *Deficiency Order* at 4. The Director ordered that "setting of this hearing will not stay the effectiveness of the Methodology Order or As-Applied Order." *Id.*

⁴ The cities participating as the Coalition of Cities in this mitigation plan are Bliss, Carey, Delco, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell.

within the boundary of the ESPA Area of Common Ground Water Supply, as defined in CM Rule 50 (“ESPA ACGWS”). The Cities and SWC agree that other municipalities who pump ground water from the ESPA ACGWS may become participants of the Cities’ Plan pursuant to CM Rule 43.03.m. at the sole discretion of the Cities and that, upon notice by the Cities to the Department and SWC of the Cities’ approval of such participation, said municipalities should also be protected from curtailment pursuant to terms of the plan. The Director issued a *Final Order Approving Mitigation Plan for 2016* on April 27, 2016.

14. On May 5, 2016, the Cities notified the Department and SWC of participation in the Cities’ Plan by other municipalities who pump water from the ESPA ACGWS (i.e. the cities of Ammon, Blackfoot, Chubbuck, Iona, Rigby, Ririe, Sugar City, and St. Anthony). *Amended Notice of Participation* (Docket No. CM-MP-2016-002).

15. A fifth mitigation plan was recently approved that was filed by IGWA and the SWC in Docket No. CM-MP-2016-001 (“IGWA-SWC Plan”) on March 9, 2016. Like the SWID Plan and Cities’ Plan, IGWA and the SWC filed the IGWA-SWC Plan in accordance with CM Rule 43.03.o. Through the IGWA-SWC Plan, the SWC and IGWA members agree to numerous ongoing activities including a total ground water diversion reduction of 240,000 acre-feet annually and annual delivery of 50,000 acre-feet of privately leased storage water from the Upper Snake Reservoir system. In exchange, the SWC stipulates that, if the IGWA-SWC Plan is being implemented, the plan sufficiently mitigates for any material injury caused by the ground water users who belong to and are in good standing with a participating IGWA member, and no ground water user participating in the IGWA-SWC Plan will be subject to a delivery call by SWC members. The Director issued a *Final Order Approving Stipulated Mitigation Plan* on May 2, 2016.

16. On May 3, 2016, IGWA submitted to the Department *IGWA’s Notice of Mitigation* identifying ground water users participating in the IGWA-SWC Plan.

CONCLUSIONS OF LAW

1. Idaho Code § 42-602 authorizes the Director to supervise water distribution within water districts:

The director of the department of water resources shall have direction and control of the distribution of water from all natural water sources within a water district to the canals, ditches, pumps and other facilities diverting therefrom. Distribution of water within water districts created pursuant to section 42-604, Idaho Code, shall be accomplished by watermasters as provided in this chapter and supervised by the director. The director of the department of water resources shall distribute water in water districts in accordance with the prior appropriation doctrine. The provisions of chapter 6, title 42, Idaho Code, shall apply only to distribution of water within a water district.

2. As explained above, by May 3, 2016, ground water users with consumptive water rights “junior to February 8, 1989, within the Eastern Snake Plain Aquifer area of common

ground water supply” had to “establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted DS of 44,200 acre-feet in accordance with an approved mitigation plan.” *As-Applied Order* at 6. If a junior ground water user does not establish the junior ground water user can mitigate for their proportionate share of the predicted DS “in accordance with an approved mitigation plan” the ground water user will be subject to this “order curtailing the junior-priority ground water user.” *Id.*

3. By its May 13, 2016, Notice of Communication, A&B established to the satisfaction of the Director that A&B can mitigate for its proportionate share of the predicted DS of 44,200 acre-feet in accordance with the A&B Plan. Accordingly, the ground water rights held by A&B identified in the A&B Plan will not be subject to this curtailment order.

4. The SWID Plan was filed in accordance with CM Rule 43.03.o. Again, the SWC agreed in the SWID Plan that, in exchange for activities proposed therein, SWID’s members’ junior priority ground water rights should not be subject to curtailment in response to the SWC delivery call during the term of the SWID Plan. As the Director stated in the *As-Applied Order*, “due to the nature of SWID’s mitigation plan, SWID” did not “need to establish” that it could “mitigate for its proportionate share of the predicted DS.” *As-Applied Order* at 5, n.4. SWID’s members’ junior priority ground water rights will not be subject to curtailment during the term of the SWID Plan (effective until December 31, 2016).

5. Like the SWID Plan, the Cities’ Plan was filed in accordance with CM Rule 43.03.o. The SWC agreed in the Cities’ Plan that the activities described therein will mitigate for any injury to the SWC’s water rights caused by the Cities’ ground water pumping and that the Cities’ water rights should not be subject to curtailment during the term of the Cities’ Plan. The Cities and SWC also agreed that other municipalities who pump ground water from the ESPA ACGWS could become participants of the Cities’ Plan pursuant to CM Rule 43.03.m. and that said municipalities should be protected from curtailment pursuant to terms of the plan. Due to the nature of the Cities’ Plan, the Cities and municipalities participating in the Cities’ Plan identified in the Cities’ May 5, 2016, notice (i.e. the cities of Ammon, Blackfoot, Chubbuck, Iona, Rigby, Ririe, Sugar City, and St. Anthony), did not need to establish they can mitigate for their proportionate share of the predicted DS. The Cities and the municipalities identified in the Cities’ notice will not be subject to curtailment during the term of the Cities’ Plan (effective until December 31, 2016).

6. Like the SWID Plan and the Cities’ Plan, the IGWA-SWC Plan was filed in accordance with CM Rule 43.03.o. Through the SWC-IGWA Plan, the SWC and IGWA members agree to numerous ongoing activities. In exchange, the SWC stipulated that, if the IGWA-SWC Plan is being implemented, the plan sufficiently mitigates for any material injury caused by the ground water users who belong to and are in good standing with a participating IGWA member and no ground water user participating in the IGWA-SWC Plan should be subject to a delivery call by SWC members. Due to the nature of the IGWA-SWC Plan, ground water users participating in the IGWA-SWC Plan as identified to the Department by IGWA did not need to establish they can mitigate for their proportionate share of the predicted DS and will not be subject to this curtailment order.

7. Consistent with the As-Applied Order, the Director will order curtailment of junior-priority ground water users that have not established they can mitigate for their proportionate share of the predicted DS in accordance with an approved mitigation plan. Junior-priority ground water users subject to curtailment are listed in Attachment A to this order.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that, at 12:01 a.m. on or before June 3, 2016, ground water users holding water rights bearing priority dates junior to February 8, 1989, within the ESPA ACGWS listed in Attachment A to this order shall curtail/refrain from diversion and use of ground water pursuant to those water rights unless notified by the Department that the order of curtailment has been modified or rescinded as to their water rights. This order shall apply to consumptive ground water rights, including but not limited to, agricultural, commercial, industrial, and municipal uses. This order excludes ground water rights used for *de minimis* domestic purposes where such domestic use is within the limits of the definition set forth in Idaho Code § 42-111 and ground water rights used for *de minimis* stock watering where such stock watering use is within the limits of the definitions set forth in Idaho Code § 42-1401A(11), pursuant to IDAPA 37.03.11.020.11.

IT IS FURTHER ORDERED that watermasters for the water districts within the ESPA ACGWS who regulate ground water are directed to review the water rights listed in Attachment A to this order and subject to curtailment and begin contacting the water right holders in their respective districts to evaluate and determine how the water rights will be curtailed.

IT IS FURTHER ORDERED that holders of ground water rights affected by this order may participate in an approved mitigation plan through a ground water district and shall have fifteen days to join, solely for mitigation purposes, the ground water district situated nearest the lands to which the water rights are appurtenant. See H.B. No. 737 (*Act Relating to the Administration of Ground Water Rights Within the Eastern Snake River Plain*, ch. 356, 2006, *Idaho Sess. Laws* 1089) and Idaho Code § 42-5259. Holders of ground water rights affected by this order may also submit a proposed mitigation plan to the Director in accordance with CM Rule 43. See IDAPA 37.03.11.043. Upon receipt of a proposed mitigation plan, the Director will publish notice of the proposed mitigation plan for two successive weeks, after which ten days will be allowed for the filing of protests. The Director will then hold a hearing as necessary to determine whether a proposed mitigation plan will mitigate injury to the SWC caused by the ground water rights at issue. If holders of ground water rights affected by this order do not participate in an approved mitigation plan by June 3, 2016, the Director will curtail the junior priority ground water use.

Dated this 18th day of May 2016.


GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of May 2016, a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following:

<p>John K. Simpson Travis L. Thompson Paul L. Arrington BARKER ROSHOLT & SIMPSON, LLP P.O. Box 485 Twin Falls, ID 83303 jks@idahowaters.com lt@idahowaters.com pla@idahowaters.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, ID 83318 wkf@pmt.org</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Randall C. Budge Thomas J. Budge RACINE OLSON P.O. Box 1391 Pocatello, ID 83204-1391 rcb@racinelaw.net tjb@racinelaw.net</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Kathleen Marion Carr US Dept. Interior 960 Broadway Ste 400 Boise, ID 83706 kathleenmarion.carr@sol.doi.gov</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>David W. Gehlert Natural Resources Section Environment and Natural Resources Division U.S. Department of Justice 999 18th St, South Terrace, Ste 370 Denver, CO 80202 david.gehlert@usdoj.gov</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Matt Howard US Bureau of Reclamation 1150 N Curtis Road Boise, ID 83706-1234 mhoward@pn.usbr.gov</p>	<p><input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>

Sarah A. Klahn Mitra Pemberton WHITE JANKOWSKI 511 16 th St., Ste. 500 Denver, CO 80202 sarahk@white-jankowski.com mitrap@white-jankowski.com	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid Hand Delivery Overnight Mail Facsimile Email
A. Dean Tranmer City of Pocatello P.O. Box 4169 Pocatello, ID 83205 dtranmer@pocatello.us	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid Hand Delivery Overnight Mail Facsimile Email
William A. Parsons Parsons, Smith & Stone, LLP P.O. Box 910 Burley, ID 83318 wparsons@pmt.org	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid Hand Delivery Overnight Mail Facsimile Email
Lyle Swank IDWR—Eastern Region 900 N. Skyline Drive Idaho Falls, ID 83402-6105 lyle.swank@idwr.idaho.gov	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid Hand Delivery Overnight Mail Facsimile Email
Allen Merritt Cindy Yenter IDWR—Southern Region 1341 Fillmore St., Ste. 200 Twin Falls, ID 83301-3033 allen.merritt@idwr.idaho.gov cindy.yenter@idwr.idaho.gov	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid Hand Delivery Overnight Mail Facsimile Email

I FURTHER CERTIFY that on this 18th day of May 2016, a true and correct copy of the foregoing was served on the following by U.S. mail only.

2 W LANDS LLC
182 N 4032 E
RIGBY ID 83442

AAG PROPERTIES LLC
1644 MOHAWK WAY
SALT LAKE CITY UT 84108

ABC AGRA LLC
C/O BILL CROUCH
PO BOX 378
JEROME ID 83338

ADKINS, GINA
ADKINS, RICK
144 W 25 S
JEROME ID 83338

AEI CORP
1297 E COUNTY RD
POCATELLO ID 83202

AHLSTROM, FARRELL; ANDRUS JR,
DOUGLAS; CHUMLEY, ORVILLE;
HARRIELL, LA DON; MATHERN,
GRETCHEN; MATHERN, RUTH
2429 N 35 W
IDAHO FALLS ID 83402

ANDERSEN, MELISSA
OLSON, GREG
2861 HWY 39
AMERICAN FALLS ID 83211

BARKER, MALINDA S
BARKER, RANDY L
7405 W 33RD S
IDAHO FALLS ID 83402

BENNETT, HAL
BENNETT, SARAH
110 N 3918 E
RIGBY ID 83442

BINGHAM, LAVERLE M
923 N MERIDIAN
RUPERT ID 83358

BORAN , MICHAEL J
PO BOX 199
SWAN VALLEY ID 83449

BRASIER, DIANE H
BRASIER, DOUGLAS
112 N 3908 E
RIGBY ID 83442

BURTENSHAW, CRAIG A
BURTENSHAW, KARMA S
PO BOX 1564
IDAHO FALLS ID 83403

CENTRAL CEMETERY
13836 N 5TH E
IDAHO FALLS ID 83401

CHURCH OF JESUS CHRIST OF THE
LATTER DAY SAINTS
POCATELLO TYHEE FARM
13037 N RIO VISTA RD
POCATELLO ID 83202

CIOCCA, ANN A
CIOCCA, EDWARD M
1674 E 2900 S
WENDELL ID 83355

NORTHWEST FARM CREDIT
SERVICES FLCA
PO BOX 5059
TWIN FALLS ID 83303-5059

CITY OF ROBERTS
PO BOX 242
ROBERTS ID 83444

CITY OF SHELLEY
101 S EMERSON AVE
SHELLEY ID 83274

CLAYSON, GAYLEN W
710 E 600 N
FIRTH ID 83236

CLEMENT, CORY
3349 E 200 N
RIGBY ID 83442

CLEMENT, CRAIG RAY
3917 E 116 N
RIGBY ID 83442

CONTOS, NICHOLAS
8152 N 26TH W
IDAHO FALLS ID 83402

CORDES, RONALD A
738 N 3750 E
RIGBY ID 83442

CORP OF THE PRESIDING BISHOP
CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS
REAL ESTATE SERVICES DIV
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150-6320

COUNTRY CLUB ESTATES WATER
ASSN INC
PO BOX 771
JEROME ID 83338

COVINGTON BROS LTD
C/O JOYCE COVINGTON
221 SOUTH 3RD E
REXBURG ID 83440

CUTLER, BEVERLY
CUTLER, MARION L
1723 S GRIZZLY AVE
IDAHO FALLS ID 83402

DANIEL, MELVIN R JR
945 DIXON
IDAHO FALLS ID 83402

DANSIE, BEN
DANSIE, ERICA
PO BOX 316
RIGBY ID 83442

DAVID SAUER FARMS INC
HC 53 BOX 2136
MONTEVIEW ID 83435

DAVIS, DENNIS
PO BOX 292
UCON ID 83454

DE JONG, RENEE E
DE JONG, WILLIAM J
PO BOX 200
WENDELL ID 83355

EAGLE ROCK CONSTRUCTION
4362 N YELLOWSTONE HWY
IDAHO FALLS ID 83401

EARLE, DENISE
EARLE, OTIS K
177 E 49 S
IDAHO FALLS ID 83404

EKINS, CHRIS
EKINS, ERNESTINE
563 W HWY 30
BURLEY ID 83318

FERGUSON, DANNY G
FERGUSON, MARCENE M
4271 E COUNTY LINE RD
RIGBY ID 83442

FRENCH III, JAMES A
FRENCH, PATRICIA A
18 E 362 LN N
RUPERT ID 83350

GARDNER, LANCE I
589 N 150 W
BLACKFOOT ID 83221

GAS HOUSE INC
LEAVITT, GERALD
4473 S 15 W
IDAHO FALLS ID 83402

GAS HOUSE INC
LEAVITT, GERALD
2448 SATTERFIELD DR
POCATELLO ID 83201

GLANBIA FOODS INC
121 4TH AVE S
TWIN FALLS ID 83301

GOEDHART, HUGO
GOEDHART, MARY
610 N 200 E
JEROME ID 83338

GOLDEN VALLEY MEAT LLC
3911 N 5TH E
IDAHO FALLS ID 83401

GONZALES, FERNANDO B
GONZALES, IRENE H
2002 BIG SKY RD
POCATELLO ID 83204

GRAY, BRYAN
5910 N LEONARD AVE
IDAHO FALLS ID 83401

GROVELAND WATER & SEWER
DISTRICT
PO BOX 833
BLACKFOOT ID 83221

HALDY, PAULA
561 S KAREY LN
IDAHO FALLS ID 83402

HAMILTON LAND & LIVESTOCK
LTD
PO BOX 461196
LEEDS UT 84746

HANSEN, MARC
HANSEN, TEENA
2661 N 3520 W
MOORE ID 83255

HERITAGE DEVELOPMENT
C/O MIKE BIRD
609 W MAPLE
POCATELLO ID 83201

HINCKLEY, LA PREAL
685 N 3837 E
RIGBY ID 83442

HUNSTMANS PROPERTIES
7440 S 45TH W
IDAHO FALLS ID 83402

IDAHO WATER CO LLC
1135 VALLEY RD S
EDEN ID 83325

IDAHOAN FOODS INC
PO BOX 130
LEWISVILLE ID 83431

INFANGER, DEBRA A
INFANGER, JOHN N
1821 S 1800 E
GOODING ID 83330

INTEGROW MALT LLC
5005 S 15TH WEST
IDAHO FALLS ID 83402

J R SIMPLOT CO
C/O DAVID SPURLING
999 MAIN ST STE 1300
BOISE ID 83707

JACKSON, JAMES EARL
491 E 250 S
JEROME ID 83338

JEFFERSON COUNTY PARKS &
RECREATION
210 COURTHOUSE WAY STE 130
RIGBY ID 83442

JENKINS, STACY
JENKINS, TROY
12894 N 26TH W
IDAHO FALLS ID 83402

JEROME COUNTY ROD & GUN
CLUB
PO BOX 6057
TWIN FALLS ID 83303

JOHNSON, BURTON E
8461 N 55TH E
IDAHO FALLS ID 83401

JOHNSON, GARY
JOHNSON, ROBERT
8021 W 1700 S
IDAHO FALLS ID 83402

JOURNEYS END HOMEOWNERS
ASSN
PO BOX 184
SHELLEY ID 83274

KEY PROPERTY RENTALS LLC
235 E YELLOWSTONE HWY #B
ST ANTHONY ID 83445

KING, CORY
KING, VICKY
317 W 659 LANE S
HEYBURN ID 83336

KULHANEK, DENNIS
KULHANEK, MAXINE
645 CANYON DR
TWIN FALLS ID 83301

LANDMARK DEVELOPMENT
PROPERTIES LLC
3865 E 12N STE 1
RIGBY ID 83442

LAZY EIGHT ESTATES DIVISION
2 HOMEOWNERS ASSN INC
8893 SADDLE HORN DR
IDAHO FALLS ID 83404

LEED CORP
PO BOX 2292
TWIN FALLS ID 83303

LINCOLN CEMETARY DISTRICT
C/O JACK SCOTT
3855 BRIAR CREEK CIR
IDAHO FALLS ID 83406

LORDS, DARRELL M
272 BRISCOE RD
CHUBBUCK ID 83202

LOVELL, HOPE
LOVELL, JAMES R
PO BOX 295
RIRIE ID 83443

LOVES TRAVEL STOPS & COUNTRY
STORES
10601 N PENNSYLVANIA
PO BOX 26210
OKLAHOMA CITY OK 73126

LUCIER, DIANA V
LUCIER, ROBERT P
114 N 3908 E
RIGBY ID 83442

M & B INVESTMENTS LLC
6549 S 5TH WEST
IDAHO FALLS ID 83404-7633

MERRILL, KENT
532 N 3825 E
RIGBY ID 83442

MEYER, JAY
MEYER, NATALIE
3919 E 116 N
RIGBY ID 83442

MEYERS, ROBERT J
3921 N 3300 E
TWIN FALLS ID 83301

MILLER COUNTRY ESTATES WATER
CO
10040 N 27TH E
IDAHO FALLS ID 83401

MITCHELL, RALPH M
69 LAURIE LN
BURLEY ID 83318

MOUNTAIN RIVER SPORTSMANS
RV PARK & CAMP
64 N 5050 E
RIRIE ID 83443

MUNSEE, AMY
MUNSEE, MARK W
588 S 2300 E
HAZELTON ID 83335

NAPIER, DIANNA K
131 W 550 S
JEROME ID 83338

NEIBAUR, RYAN
1650 CLAREMONT LN
IDAHO FALLS ID 83404

NEST EGG INVESTMENTS LLC
C/O AARON MC CRACKEN
145 N 3762 E
RIGBY ID 83442

NORTHWEST FARM CREDIT
SERVICES FLCA
WEBB BASIN DAIRY
1408 POMERELLE AVE STE B
BURLEY ID 83318

NORTHWEST FARM CREDIT
SERVICES FLCA
WEBB BASIN DAIRY
406 N HISAW LN
AMERICAN FALLS ID 83211

PALMER, DEAN
PALMER, LUDEAN
3916 E 116 N
RIGBY ID 83442

PARKINSON FARMS
2253 N 3100 W
ARCO ID 83213

PARTNER, ILA
PARTNER, PAUL
805 PARK LN
POCATELLO ID 83201

PHILLIPS, CAROLINE
7444 W ACRO HWY
IDAHO FALLS ID 83402

PICKET, KIRK
650 W 300 S
BURLEY ID 83318

PINEWOOD ESTATES
1710 N PINEWOOD DR
IDAHO FALLS ID 83401

PINSON, JANICE
PO BOX 1854
EUREKA MT 59917

RIRIE ELK MEADOWS
HOMEOWNERS ASSN
PO BOX 748
RIGBY ID 83442

RIVERBEND ESTATES
C/O SHEILA FUNK SEC
3140 WILLOW
AMERICAN FALLS ID 83211

RIVERS EDGE DEVELOPMENT INC
445 N 4185 E
RIGBY ID 83442

RIVERVIEW ONE LLC
PO BOX 50130
IDAHO FALLS ID 83405

ROEDER, EVELYN K
14585 W LEA
POCATELLO ID 83202

ROLLING HILLS DEVELOPMENT
PO BOX 465
RIGBY ID 83442

ROWLANDS INC
1141 ROWLAND RD
POCATELLO ID 83204-7416

ROYCE, DAN
ROYCE, JO ANNE
2812C S 1600 E
WENDELL ID 83355

SCHREINER FARMS IDAHO LLC
105 E 8TH
OLYMPIA WA 98501

SEARLE BROTHERS LAND &
LIVESTOCK LLC
171 E 600 S
BURLEY ID 83318

SHANE DEPPE TRUST
SHAWN DEPPE TRUST
C/O ESTHER TURNER TRUSTEE
1355 DOUGLAS LN
POCATELLO ID 83204

SIEMS, ANN K
SIEMS, STANLEY
3920 E 100 N
RIGBY ID 83442

SKAAR, CHERIE
SKAAR, KEITH
363 LARIAT LN
IDAHO FALLS ID 83404

SLADE, DELILAH
SLADE, KEVIN L
3550 S 2100 E
WENDELL ID 83355

SMITH, LYNN
186 N YELLOWSTONE HWY
RIGBY ID 83442

SOUTH INTERCHANGE
PROPERTIES LLC
C/O HOLDEN KIDWELL HAHN &
CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

SOUTH LANDS LLC
4946 N 2900 E
IDAHO FALLS ID 83401

SOUTH PARK ESTATES WATER &
SEWER
C/O BOB MORRISON
1460 N 1180 E
SHELLEY ID 83274

SPENCER, GLEN D
450 POLELINE RD
SPC 11
TWIN FALLS ID 83301-3021

SPRINGDALE ACRES
HOMEOWNERS ASSN
C/O RICHARD K SMITH
PO BOX 910
BURLEY ID 83318

STANDING 16 RANCH LAND CO LLC
335 W 300 N
JEROME ID 83338

STATE OF IDAHO
DEPT OF TRANSPORTATION
DIVISION OF HWYS
PO BOX 97
RIGBY ID 83442

SUNNYSIDE PARK UTILITIES INC
C/O DOYLE BECK
PO BOX 1768
IDAHO FALLS ID 83403-1768

SWISHER, JERRY S
3100 HILAND AVE
BURLEY ID 83318

TELFORD LANDS LLC
1450 W HIGHWAY 24
PAUL ID 83347-8666

TELFORD, MARK
PO BOX 511
ARCO ID 83213

TETON WEST STEEL INC
PO BOX 122
REXBURG ID 83440

TOMITA, CARA
TOMITA, TRAVIS
3909 E 116 N
RIGBY ID 83442

TRIPLE C CONCRETE INC
PO BOX 923
TWIN FALLS ID 83303

TURNER, ESTHER S
1355 DOUGLAS LN
POCATELLO ID 83204

TYHEE ESTATES WATER CO INC
13319 N BILLY LN
POCATELLO ID 83202

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
ATTN: FREDRIC W PRICE
1387 S VINNELL WAY
BOISE ID 83709

USA FERTILIZER
120 N 12TH ST
POCATELLO ID 83201

VALLEY BANK INC
C/O TOM MINNOW
501 BROADWAY
IDAHO FALLS ID 83402

WALBOM, JEFFERY
2530 N 35TH W
IDAHO FALLS ID 83402

WALKER, YOUNG HARVEY
2338 N 2930 W
ARCO ID 83213

WALTERS READY MIX
PO BOX 390
REXBURG ID 83440

WALTERS READY MIX INC
342 W 4TH N
REXBURG ID 83440

WALTERS, BRUCE A
WALTERS, JEANETTE
4161 A E 100 N
RIGBY ID 83442

WESTERN FARM SERVICE INC
473 HANKINS RD S
KIMBERLY ID 83341-5095

WIDAMAN, ALAN
727 RIMVIEW LN W
TWIN FALLS ID 83301

WILD WEST INC
PO BOX 622
SHOSHONE ID 83352

WILD WEST PROPERTIES LLC
4554 W 17TH S
IDAHO FALLS ID 83402

WILDE, ARIC
WILDE, HAILEY
106 N 3918 E
RIGBY ID 83442

WILDE, AVON
2995 E 650 N
ROBERTS ID 83444

WILLIAMSON, LEISA E
WILLIAMSON, MAX DEAN
1902 E 3900 N
FILER ID 83328

WILSON, JOHN CHARLES
14334 PROMISE LN
POCATELLO ID 83202-5328

WISE, EARL
WISE, INEZ
106 COUNTRY CLUB DR
JEROME ID 83338

WRIDE FARMS
3139 WILLOW
AMERICAN FALLS ID 83211

YOST, KENT L
PO BOX 4987
POCATELLO ID 83205-4987



Deborah Gibson
Administrative Assistant to the Director

Attachment A
List of Ground Water Rights Subject to Curtailment
Sorted by Owner

Owner	Water Right No.	Basis	Priority Date	Diversion Rate (cfs)	Usage	Acres	Enlarge-ment
2 W LANDS LLC	35-8925	License	2/14/1991	0.23	STOCKWATER, DOMESTIC		
AAG PROPERTIES LLC	25-14230		3/25/2009	0.33	DOMESTIC		
ABC AGRA LLC	36-8484	License	12/11/1989	0.08	COMMERCIAL, DOMESTIC		
ADKINS, GINA; ADKINS, RICK	36-8525	License	3/2/1990	0.06	IRRIGATION, DOMESTIC	1	
AEI CORP	29-8037	License	11/13/1990	0.06	INDUSTRIAL, DOMESTIC		
AHLSTROM, FARRELL; ANDRUS JR, DOUGLAS; CHUMLEY, ORVILLE; HARRIELL, LA DON; MATHERN, GRETCHEN; MATHERN, RUTH	35-8854	License	8/14/1989	0.12	IRRIGATION, DOMESTIC	4	
ANDERSEN, MELISSA; OLSON, GREG	35-9061	License	2/5/1990	0.06	IRRIGATION, STOCKWATER	2	
BARKER, MALINDA S; BARKER, RANDY L	35-8808	License	9/14/1989	0.05	IRRIGATION, DOMESTIC	1.2	
BENNETT, HAL; BENNETT, SARAH	25-14352	License	2/28/1992	0.01	IRRIGATION	0.2	
BINGHAM, LAVERLE M	36-8425	License	6/23/1989	0.88	IRRIGATION	105	
BORAN , MICHAEL J	35-8782	License	5/23/1989	4.64	FISH PROPAGATION		
BRASIER, DIANE H; BRASIER, DOUGLAS	25-14354	License	2/28/1992	0.01	IRRIGATION	0.3	
BURTENSHAW, CRAIG A; BURTENSHAW, KARMA S	25-7563	License	1/18/1990	2.96	IRRIGATION	148	
CENTRAL CEMETERY	25-7595	License	5/16/1991	0.15	IRRIGATION	5	
CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS	29-8059	License	3/28/1991	6	IRRIGATION	441	
CIOCCA, ANN A; CIOCCA, EDWARD M; NORTHWEST FARM CREDIT SERVICES FLCA	36-8672	License	9/23/1992	0.06	STOCKWATER		
CITY OF ROBERTS	35-8712	License	3/10/1989	0.08	WATER QUALITY IMPROVEMENT		
CITY OF SHELLEY	27-12155		7/19/2007	3.34	MUNICIPAL		
CLAYSON, GAYLEN W	27-7578	License	7/14/2005	0.14	STOCKWATER, COMMERCIAL		
CLAYSON, GAYLEN W	27-7579	License	7/14/2005	0.1	STOCKWATER, COMMERCIAL		
CLEMENT, CORY	25-14358	License	2/28/1992	0.02	IRRIGATION	1.2	
CLEMENT, CRAIG RAY	25-14359	License	2/28/1992	0.02	IRRIGATION	1	
CONTOS, NICHOLAS	35-8794	License	6/16/1989	0.06	IRRIGATION, DOMESTIC	3	
CORDES, RONALD A	25-7488	License	2/14/1989	0.1	IRRIGATION, DOMESTIC	3	
CORP OF THE PRESIDING BISHOP	25-7568	License	4/10/1990	0.09	IRRIGATION, DOMESTIC	1	
CORP OF THE PRESIDING BISHOP	29-7861	License	8/17/1989	0.15	IRRIGATION	5	

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CORP OF THE PRESIDING BISHOP	29-7865	Decreed	8/17/1989	0.19	IRRIGATION, DOMESTIC	5	
CORP OF THE PRESIDING BISHOP	29-8014	License	6/28/1990	0.14	IRRIGATION, DOMESTIC	5	
CORP OF THE PRESIDING BISHOP	35-8902	License	7/10/1989	0.19	IRRIGATION, DOMESTIC	5.5	
COUNTRY CLUB ESTATES WATER ASSN INC	36-8607	License	11/18/1991	0.5	STOCKWATER, DOMESTIC, FIRE PROTECTION		
COVINGTON BROS LTD	25-10069	Decreed	7/1/1985	0.1	IRRIGATION	1334	Y
CUTLER, BEVERLY; CUTLER, MARION L	35-8853	License	8/28/1989	0.09	IRRIGATION, DOMESTIC	1.5	
DANIEL, MELVIN R JR	25-7538	License	9/19/1989	0.07	COMMERCIAL		
DANSIE, BEN; DANSIE, ERICA	25-14391	License	2/28/1992	0.01	IRRIGATION		
DAVID SAUER FARMS INC	32-11244	Decreed	4/1/1986	0.6	IRRIGATION	56	Y
DAVIS, DENNIS	25-7653	License	9/2/1997	0.62	DOMESTIC		
DE JONG, RENEE E; DE JONG, WILLIAM J	36-17016	License	11/7/1989	0.05	IRRIGATION	1.6	
EAGLE ROCK CONSTRUCTION	25-14325		11/29/2010	1	INDUSTRIAL, COMMERCIAL		
EARLE, DENISE; EARLE, OTIS K	25-7549	License	9/27/1989	0.08	IRRIGATION, STOCKWATER, DOMESTIC	1.5	
EKINS, CHRIS; EKINS, ERNESTINE	45-7634	License	4/12/1993	0.06	COMMERCIAL		
FERGUSON, DANNY G; FERGUSON, MARCENE M	25-7599	License	9/25/1991	2.28	IRRIGATION	118	
FRENCH III, JAMES A; FRENCH, PATRICIA A	36-16404	License	11/14/1991	0.02	IRRIGATION, DOMESTIC	0.5	
GARDNER, LANCE I	35-8725	License	4/24/1989	0.04	STOCKWATER, COMMERCIAL		
GAS HOUSE INC; LEAVITT, GERALD	25-7515	License	8/24/1989	0.05	INDUSTRIAL		
GLANBIA FOODS INC	36-16219	Decreed	5/26/1971	0.33	MITIGATION		Y
GOEDHART, HUGO; GOEDHART, MARY	36-8774	License	3/10/1998	0.13	STOCKWATER, DOMESTIC		
GOLDEN VALLEY MEAT LLC	35-8710	License	3/8/1989	0.94	COMMERCIAL		
GONZALES, FERNANDO B; GONZALES, IRENE H	29-7984	Decreed	4/23/1990	0.03	IRRIGATION	8	
GRAY, BRYAN	25-7651	License	6/29/1989	0.04	IRRIGATION, DOMESTIC	1.5	
GROVELAND WATER & SEWER DISTRICT	35-13918		3/24/2009	0.48	MUNICIPAL		
HALDY, PAULA	35-8807	License	9/22/1989	0.07	IRRIGATION, DOMESTIC	4	
HAMILTON LAND & LIVESTOCK LTD	25-14263	License	9/25/1991	2.9	IRRIGATION	155	
HANSEN, MARC; HANSEN, TEENA	34-14314	License	7/8/1992	0.22	IRRIGATION	36	
HERITAGE DEVELOPMENT	29-8173	License	7/19/1996	0.27	DOMESTIC		
HINCKLEY, LA PREAL	25-14005	License	10/12/2003	0.06	IRRIGATION	3	

Attachment A
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Owner	Water Right No.	Basis	Priority Date	Diversión Rate (cfs)	Usage	Acres	Enlarge-ment
HUNSTMANS PROPERTIES	27-7511	License	4/20/1990	0.33	COMMERCIAL		
IDAHO WATER CO LLC	36-16878	Decreed	10/31/1986	0.02	IRRIGATION	4	Y
IDAHOAN FOODS INC	35-8852	License	9/14/1989	0.89	COMMERCIAL		
INFANGER, DEBRA A; INFANGER, JOHN N	37-20800	License	9/10/2002	0.12	DOMESTIC		
INTEGROW MALT LLC	25-13978		5/13/2002	2.23	INDUSTRIAL		
J R SIMPLOT CO	36-8469	License	10/12/1989	0.28	IRRIGATION	16	
J R SIMPLOT CO	36-8471	License	10/4/1989	0.18	COMMERCIAL		
JACKSON, JAMES EARL	36-8605	License	5/23/1991	0.04	IRRIGATION	1.4	
JEFFERSON COUNTY PARKS & RECREATION	25-14281		9/9/2010	0.65	COMMERCIAL		
JENKINS, STACY; JENKINS, TROY	35-14394	Decreed	10/31/1986	0.01	IRRIGATION	2	Y
JEROME COUNTY ROD & GUN CLUB	36-8620	License	11/14/1991	0.02	IRRIGATION, COMMERCIAL	0.5	
JOHNSON, BURTON E	25-7533	License	7/13/1989	0.1	STOCKWATER, DOMESTIC		
JOHNSON, GARY; JOHNSON, ROBERT	35-8831	License	8/15/1989	0.09	STOCKWATER, DOMESTIC		
JOURNEYS END HOMEOWNERS ASSN	35-13611	License	1/13/2007	0.11	COMMERCIAL, DOMESTIC		
JOURNEYS END HOMEOWNERS ASSN	35-13612	License	11/24/2003	0.4	DOMESTIC		
KEY PROPERTY RENTALS LLC	35-9067	License	8/18/1997	0.16	DOMESTIC		
KING, CORY; KING, VICKY	36-16971	License	1/4/2013	0.12	HEATING, COOLING, DOMESTIC		
KULHANEK, DENNIS; KULHANEK, MAXINE	36-8503	License	2/21/1990	0.04	IRRIGATION	2	
LANDMARK DEVELOPMENT PROPERTIES LLC	25-14165		1/25/2005	1.93	COMMERCIAL, DOMESTIC		
LAZY EIGHT ESTATES DIVISION 2 HOMEOWNERS ASSN INC	25-14189	License	10/26/2006	0.5	DOMESTIC		
LEED CORP	37-21952		10/11/2006	0.44	DOMESTIC		
LINCOLN CEMETARY DISTRICT	25-7525	License	8/15/1989	0.05	IRRIGATION	1.6	
LORDS, DARRELL M	35-8778	License	5/31/1989	0.1	IRRIGATION	4.5	
LOVELL, HOPE; LOVELL, JAMES R	25-7598	License	9/25/1991	0.09	IRRIGATION	5	
LOVES TRAVEL STOPS & COUNTRY STORES	35-14218		12/9/2011	0.29	COMMERCIAL		
LUCIER, DIANA V; LUCIER, ROBERT P	25-14355	License	2/28/1992	0.01	IRRIGATION	0.3	
M & B INVESTMENTS LLC	25-14379		8/13/2012	0.39	DOMESTIC		
M&B INVESTMENTS LLC	25-14163		12/9/2004	0.3	DOMESTIC		
MERRILL, KENT	25-14248	License	2/28/1992	0.07	IRRIGATION	3.6	
MERRILL, KENT	25-14357	License	2/28/1992	0.02	IRRIGATION	1	
MERRILL, KENT	25-14364	License	2/28/1992	0.271	IRRIGATION	13.3	

Attachment A
List of Ground Water Rights Subject to Curtailment
Sorted by Owner

Owner	Water Right No.	Basis	Priority Date	Diversion Rate (cfs)	Usage	Acres	Enlarge-ment
MEYER, JAY; MEYER, NATALIE	25-14363	License	2/28/1992	0.01	IRRIGATION	0.3	
MEYERS, ROBERT J	37-8801	License	10/20/1992	0.1	DOMESTIC		
MILLER COUNTRY ESTATES WATER CO	25-7666	License	1/6/1999	0.2	DOMESTIC		
MITCHELL, RALPH M	45-7640	License	5/23/1989	0.07	IRRIGATION, DOMESTIC	1.5	
MOUNTAIN RIVER SPORTSMANS RV PARK & CAMP	25-14229	License	9/2/2008	0.2	COMMERCIAL		
MUNSEE, AMY; MUNSEE, MARK W	36-8559	License	9/4/1990	1.86	IRRIGATION	93	
NAPIER, DIANNA K	36-8521	License	12/19/1991	0.03	IRRIGATION, DOMESTIC	1	
NEIBAUR, RYAN	25-7561	License	3/2/1990	4	IRRIGATION	360.5	
NEST EGG INVESTMENTS LLC	25-14417	License	2/28/1992	0.019	IRRIGATION	1	
NEST EGG INVESTMENTS LLC	25-14419		10/23/2014	0.25	IRRIGATION, DOMESTIC	1	
NORTHWEST FARM CREDIT SERVICES FLCA; WEBB BASIN DAIRY	43-7306	License	9/17/1990	0.3	IRRIGATION, STOCKWATER, COMMERCIAL, DOMESTIC	5	
PALMER, DEAN; PALMER, LUDEAN	25-14356	License	2/28/1992	0.01	IRRIGATION	0.3	
PARKINSON FARMS	34-10393	Decreed	5/1/1976	0.26	IRRIGATION	306	Y
PARTNER, ILA; PARTNER, PAUL	29-7955	License	4/3/1990	0.18	IRRIGATION, STOCKWATER	8	
PHILLIPS, CAROLINE	35-13744	License	7/19/1989	0.03	IRRIGATION	5.6	
PHILLIPS, CAROLINE	35-13746	License	10/21/1991	0.04	IRRIGATION	5.6	
PICKET, KIRK	45-7635	License	4/12/1993	0.08	COMMERCIAL		
PINEWOOD ESTATES	25-7707	License	10/23/2000	1.08	DOMESTIC		
PINSON, JANICE	25-14182	License	3/24/2006	0.2	COMMERCIAL		
RIRIE ELK MEADOWS HOMEOWNERS ASSN	25-7662	License	8/26/1998	0.48	DOMESTIC		
RIVERBEND ESTATES	29-8015	License	6/22/1990	0.25	DOMESTIC		
RIVERS EDGE DEVELOPMENT INC	25-14162	License	12/30/2004	0.5	DOMESTIC		
RIVERVIEW ONE LLC	35-7904	Decreed	6/9/1993	0.64	COMMERCIAL		
ROEDER, EVELYN K	29-8068	License	5/10/1991	0.03	IRRIGATION	1	
ROLLING HILLS DEVELOPMENT	35-13522		11/18/2004	0.45	DOMESTIC		
ROWLANDS INC	29-14000	Decreed	12/31/1976	0.11	INDUSTRIAL		Y
ROWLANDS INC	29-14027		1/31/2012	0.08	IRRIGATION, COMMERCIAL	1	
ROYCE, DAN; ROYCE, JO ANNE	36-8609	License	10/21/1991	0.02	IRRIGATION, STOCKWATER, DOMESTIC	2.5	
SCHREINER FARMS IDAHO LLC	35-8951	License	7/29/1991	1.46	IRRIGATION	73	
SEARLE BROTHERS LAND & LIVESTOCK LLC	45-13989	Decreed	5/26/1971	0.01	STOCKWATER, COMMERCIAL		Y

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Sorted by Owner

Owner	Water Right No.	Basis	Priority Date	Diversion Rate (cfs)	Usage	Acres	Enlarge-ment
SHANE DEPPE TRUST; SHAWN DEPPE TRUST	29-10053	Decreed	7/28/1968	0.13	IRRIGATION	44.5	Y
SIEMS, ANN K; SIEMS, STANLEY	25-7492	License	3/29/1989	0.04	IRRIGATION, DOMESTIC	1	
SKAAR, CHERIE; SKAAR, KEITH	25-7526	License	9/27/1989	0.1	STOCKWATER		
SLADE, DELILAH; SLADE, KEVIN L	36-17061	Decreed	3/15/1973	0.07	IRRIGATION	304	Y
SMITH, LYNN	25-7625	License	8/20/1993	0.19	DOMESTIC		
SOUTH INTERCHANGE PROPERTIES LLC	35-13542		10/20/2005	0.2	COMMERCIAL		
SOUTH LANDS LLC	25-14219	License	4/9/2008	0.5	COMMERCIAL		
SOUTH PARK ESTATES WATER & SEWER	27-7581	License	10/21/1997	0.69	DOMESTIC, FIRE PROTECTION		
SPENCER, GLEN D	36-8536	License	4/12/1990	0.03	IRRIGATION, DOMESTIC	1	
SPRINGDALE ACRES HOMEOWNERS ASSN	45-7697	License	1/9/1992	0.31	IRRIGATION, DOMESTIC	11	
SPRINGDALE ACRES HOMEOWNERS ASSN INC	45-13513		12/6/2002	0.29	HEATING, COOLING		
STANDING 16 RANCH LAND CO LLC	36-16707	License	4/26/1990	0.03	STOCKWATER, COMMERCIAL		
STATE OF IDAHO	35-9041	License	2/8/1994	0.06	IRRIGATION	1.9	
SUNNYSIDE PARK UTILITIES INC	25-13979		5/17/2002	0.9	INDUSTRIAL, COMMERCIAL		
SWISHER, JERRY S	45-7652	License	6/5/1989	0.06	IRRIGATION, DOMESTIC	2.1	
TELFORD LANDS LLC	34-10925	Decreed	5/1/1982	7.6	IRRIGATION	1980	Y
TELFORD, MARK	34-2486	License	6/7/2002	3.76	IRRIGATION		
TETON WEST STEEL INC	35-8761	License	5/23/1989	0.04	COMMERCIAL		
TOMITA, CARA; TOMITA, TRAVIS	25-14362	License	2/28/1992	0.01	IRRIGATION	0.3	
TRIPLE C CONCRETE INC	36-8791	License	6/17/1999	1.68	INDUSTRIAL		
TURNER, ESTHER S	29-10054	Decreed	7/28/1968	0.1	IRRIGATION	41.4	Y
TYHEE ESTATES WATER CO INC	29-8110	License	10/2/1992	0.22	DOMESTIC		
TYHEE ESTATES WATER CO INC	29-8130	License	2/22/1994	0.23	DOMESTIC		
US DEPT OF INTERIOR	45-14305	Decreed	4/13/1971	0.69	IRRIGATION	130.5	Y
USA FERTILIZER	35-8907	License	7/25/1990	0.46	COMMERCIAL		
VALLEY BANK INC	25-7517	License	8/24/1989	0.5	COMMERCIAL		
WALBOM, JEFFERY	35-8809	License	9/14/1989	0.14	IRRIGATION, STOCKWATER, DOMESTIC	5	
WALKER, YOUNG HARVEY	34-10473	Decreed	8/10/1977	0.36	IRRIGATION	190	Y
WALTERS READY MIX	35-14234	License	2/28/1992	0.1	INDUSTRIAL		
WALTERS READY MIX INC	35-13541		9/26/2011	4.99	INDUSTRIAL, INDUSTRIAL STORAGE		
WALTERS, BRUCE A; WALTERS, JEANETTE	25-7596	License	6/26/1991	0.15	IRRIGATION, DOMESTIC	10	

Attachment A
List of Ground Water Rights Subject to Curtailment
Sorted by Owner

Owner	Water Right No.	Basis	Priority Date	Diversion Rate (cfs)	Usage	Acres	Enlarge-ment
WESTERN FARM SERVICE INC	35-8627	Decreed	4/4/1989	0.16	COMMERCIAL		
WIDAMAN, ALAN	35-13285	License	1/29/2001	0.84	DOMESTIC		
WILD WEST INC	37-21719		3/22/2006	0.11	DOMESTIC		
WILD WEST PROPERTIES LLC	35-13955		7/22/2009	0.69	MUNICIPAL		
WILDE, ARIC; WILDE, HAILEY	25-14353	License	2/28/1992	0.01	IRRIGATION	0.2	
WILDE, AVON	35-8944A	License	6/3/1991	0.09	IRRIGATION	8	
WILLIAMSON, LEISA E; WILLIAMSON, MAX DEAN	34-14313	License	7/8/1992	0.01	IRRIGATION	1	
WILSON, JOHN CHARLES	29-7916	License	3/20/1990	0.09	IRRIGATION	4.5	
WISE, EARL; WISE, INEZ	36-8638	License	1/7/1992	0.04	IRRIGATION, DOMESTIC	1	
WRIDE FARMS	35-8949		8/26/1991	3	IRRIGATION	150	
YOST, KENT L	29-8084	License	3/6/1992	0.1	IRRIGATION, DOMESTIC	2	

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.