

**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

**NOTICE OF OPPORTUNITY FOR
HEARING PURSUANT TO IDAHO
CODE § 42-1701A(5)**

NOTICE OF OPPORTUNITY FOR HEARING

Idaho Code § 42-1701A(5) states, in relevant part:

The director shall not issue an order establishing a new or revised methodology for determining material injury under the rules for conjunctive management of surface and ground water resources without first giving affected persons notice and an opportunity to request a hearing in accordance with section 67-5242, Idaho Code, prior to issuance of such order, except in emergency proceedings under section 67-5247, Idaho Code, or informal disposition under section 67-5241, Idaho Code. Any final order issued pursuant to this subsection shall be issued no later than December 1 prior to the year such order takes effect.

NOTICE IS HEREBY GIVEN that prior to the start of the 2027 irrigation season, the Director intends to revise the *Sixth Final Order Regarding Methodology for Determining Material Injury to Reasonable In-season Demand and Reasonable Carryover* (July 19, 2023) (“*Sixth Methodology Order*”) to account for the physical configurations of the SWC entities' diversion works that limit the amount of water that can physically be diverted over a specific period. The maximum historical daily diversion of SWC members, as reported by the Water District 01 watermaster, will be used to determine the maximum physical diversion capacity for each member, thereby setting an upper limit for the calculation of reasonable in-season demand (“RISD”).

The revisions, underlined for emphasis below, would add the following two new paragraphs between Findings of Fact 43 and 44 of the *Sixth Methodology Order*:

44. May through September RISD Adjustment: In May through September, the calculated RISD, which is equal to the CWN divided by Ep, can overestimate the maximum volume of water an irrigation delivery entity can divert through its diversion works system. Overestimation occurs when the CWN value for a given month, divided by Ep, exceeds the maximum diversion works capacity and the water that can physically be delivered over the

duration of the month. To account for conditions affecting the usability of the RISD value for May through September, the values may be adjusted for each individual irrigation delivery entity in the SWC as described below.

	<u>Max Historical Diversion (cfs)</u>	<u>May Diversion Potential (Acre-Feet)</u>	<u>June Diversion Potential (Acre-Feet)</u>	<u>July Diversion Potential (Acre-Feet)</u>	<u>August Diversion Potential (Acre-Feet)</u>	<u>September Diversion Potential (Acre-Feet)</u>
<u>A&B</u>	<u>332</u>	<u>20,414</u>	<u>19,756</u>	<u>20,414</u>	<u>20,414</u>	<u>19,756</u>
<u>AFRD2</u>	<u>1,708</u>	<u>105,022</u>	<u>101,635</u>	<u>105,022</u>	<u>105,022</u>	<u>101,635</u>
<u>BID</u>	<u>1,420</u>	<u>87,314</u>	<u>84,497</u>	<u>87,314</u>	<u>87,314</u>	<u>84,497</u>
<u>Milner</u>	<u>336</u>	<u>20,660</u>	<u>19,994</u>	<u>20,660</u>	<u>20,660</u>	<u>19,994</u>
<u>Minidoka</u>	<u>1,790</u>	<u>110,064</u>	<u>106,514</u>	<u>110,064</u>	<u>110,064</u>	<u>106,514</u>
<u>NSCC</u>	<u>3,964</u>	<u>243,740</u>	<u>235,878</u>	<u>243,740</u>	<u>243,740</u>	<u>235,878</u>
<u>TFCC</u>	<u>3,852</u>	<u>236,854</u>	<u>229,213</u>	<u>236,854</u>	<u>236,854</u>	<u>229,213</u>

Max SWC Historical Diversion and corresponding monthly Max Historical Diversion Potential in Acre-Feet.

45. When the calculation of CWN/Ep results in a value for the months of May through September that is less than or equal to the maximum diversion capacity for that month, as outlined in the table above, the RISD for that month is equal to the calculated CWN/Ep volume. When the calculation of CWN/Ep results in a value greater than the maximum diversion capacity for that month, the RISD for that month is equal to the maximum diversion capacity.

Pursuant to Idaho Code § 42-1701A(5), affected persons are hereby provided notice and an opportunity to request a hearing before issuance of an order revising the *Sixth Methodology Order* as outlined above. Because any order revising or updating the methodology for the 2027 irrigation season must be issued before December 1, 2026, time is of the essence. **As such, any affected person seeking a hearing regarding this revision must file a request for hearing with the Department no later than September 1, 2026.** Requests for hearing must be filed in conformance with the Department's Rules of Procedure, IDAPA 37.01.01.

Dated this 25th day of August 2026.



MATHEW WEAVER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of August 2026, the above and foregoing, was served by the method indicated below, and addressed to the following:

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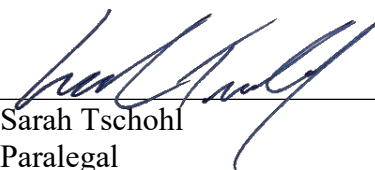
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