

Travis L. Thompson, ISB #6168
Garrett M. Kitamura, ISB #11502
Abby R. Bitzenburg, ISB #12198
PARSONS BEHLE & LATIMER
163 Second Ave. West
P.O. Box 63
Twin Falls, Idaho 83303-0063
Telephone: (208) 733-0700
Email: TThompson@parsonsbehle.com
GKitamura@parsonsbehle.com
ABitzenburg@parsonsbehle.com

Attorneys for A&B Irrigation District

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

A&B IRRIGATION DISTRICT

Petitioner,

vs.

IDAHO DEPARTMENT OF WATER
RESOURCES, and MATHEW WEAVER,
in his capacity as Director of the Idaho
Department of Water Resources,

Respondents.

Case No. CV34-26-00462

**NOTICE OF APPEAL AND PETITION
FOR JUDICIAL REVIEW OF AGENCY
ACTION**

**Fee Category L.3.a – Water
Administrative Appeals: \$221.00**

IN THE MATTER OF DISTRIBUTION OF
WATER TO VARIOUS WATER RIGHTS
HELD BY AND FOR THE BENEFIT OF
A&B IRRIGATION DISTRICT,
AMERICAN FALLS RESERVOIR
DISTRICT NO. 2, BURLEY IRRIGATION
DISTRICT, MILNER IRRIGATION
DISTRICT, MINIDOKA IRRIGATION
DISTRICT, NORTH SIDE CANAL
COMPANY, AND TWIN FALLS CANAL
COMPANY.

COMES NOW, the Petitioner A&B Irrigation District (“A&B” or “District”), by and through its undersigned counsel of record, and hereby files this Notice of Appeal and Petition for Judicial Review as follows:

STATEMENT OF THE CASE

1. This a civil action pursuant to Idaho Code §§ 67-5270 and 5279 seeking judicial review of the *Final Order Denying A&B Irrigation District’s Exceptions to Preliminary Order* issued by the Director of the Idaho Department of Water Resources on April 17, 2026.

2. A hearing before the agency was scheduled to begin January 14, 2026, but was later vacated by the hearing officer.

3. A Statement of Issues which A&B intends to assert in this matter will be filed with the Court within fourteen (14) days. Pursuant to I.R.C.P. 84(c)(5), A&B reserves the right to assert additional issues and/or clarify or further specify the issues for judicial review stated in this petition or which become later discovered.

JURISDICTION AND VENUE

4. This petition is authorized by Idaho Code §§ 67-5270 and 5279.

5. This Court has jurisdiction over this action pursuant to Idaho Code §§ 42-1401D and 67-5272(1)(c).

6. Pursuant to an administrative order issued by the Idaho Supreme Court on December 9, 2009, this case should be reassigned to the presiding judge of the Snake River Basin Adjudication District Court in the Fifth Judicial District for further proceedings.

7. The Director’s *Final Order* is a final agency action subject to judicial review pursuant to Idaho Code § 67-5270.

PARTIES

8. Petitioner A&B is an Idaho irrigation district, organized pursuant to chapter 1, Title 43, Idaho Code, with its principal place of business located in Minidoka County, specifically Rupert, Idaho.

9. Respondent Idaho Department of Water Resources is a state agency with its main office located at 322 E. Front St., Boise, Idaho. Respondent Mathew Weaver is the director of the Idaho Department of Water Resources.

AGENCY RECORD

10. Judicial review is sought of the Director's April 17, 2026 *Final Order Denying A&B Irrigation District's Exceptions to Preliminary Order*.

11. A&B anticipates that it can reach a stipulation regarding the agency record with the Respondents and will pay its necessary share of the fee for the preparation of the record at such time.

12. Service of this *Notice of Appeal and Petition for Judicial Review of Agency Action* has been made on the Respondents at the time of the filing of this petition.

DATED this 13th day of May 2026.

PARSONS BEHLE & LATIMER



Travis L. Thompson

Attorneys for A&B Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of May, 2026, the foregoing was filed electronically using the Court’s e-file system, and upon such filing the following parties were served electronically.

<p>Deputy Clerk Minidoka Conty Dist. Ct. 715 G Street P.O. Box 368 Rupert, Idaho 83350</p> <p>Via iCourt</p>	<p>Skyler Johns Nathan Olsen Steven Taggart Olsen Taggart, PLLC P.O. Box 3005 Idaho Falls, ID 83404 *** service by electronic mail only</p> <p>sjohns@olsentaggart.com nolsen@olsentaggart.com staggart@olsentaggart.com</p>	<p>T.J. Budge Racine Olson, PLLP P.O. Box 1391 Pocatello, ID 83204-1391 *** service by electronic mail only tj@racineolson.com tessa@racineolson.com</p>
<p>Candice McHugh Chris Bromley McHugh Bromley, PLLC 380 South 4th Street, Ste. 103 Boise, ID 83702 *** service by electronic mail only</p> <p>cbromley@mchughbromley.com cmchugh@mchughbromley.com</p>	<p>Sarah A. Klahn Maximilian C. Bricker Somach Simmons & Dunn 2033 11th Street, Ste. 5 Boulder, CO 80302 *** service by electronic mail only</p> <p>sklahn@somachlaw.com mbricker@somachlaw.com</p>	<p>Director Mathew Weaver Garrick Baxter Sarah Tschohl Idaho Dept. of Water Resources 322 E Front St. Boise, ID 83720-0098 *** service by electronic mail file@idwr.idaho.gov garrick.baxter@idwr.idaho.gov sarah.tschohl@idwr.idaho.gov</p>



Travis L. Thompson