

**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

**ORDER AMENDING
CURTAILMENT LIST TO
INCLUDE UNMITIGATED
GROUND WATER RIGHTS**

BACKGROUND

On April 16, 2026, the Director issued the *Final Order Regarding April 2026 Forecast Supply (Methodology Steps 1–3)* (“*As-Applied Order*”), which applied steps 1, 2, and 3 of the *Sixth Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* (“*Methodology Order*”). The Director predicted an April in-season demand shortfall (“IDS”) of 181,600 acre-feet. *As-Applied Order*, at 4. The Director ordered that, by May 1, 2026, ground water users with consumptive water rights “bearing priority dates junior to October 11, 1900, within the Eastern Snake Plain Aquifer area of common ground water supply [(“ESPA ACGWS”)] shall establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted April IDS of 181,600 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 that they can mitigate for their proportionate share of the predicted IDS “in accordance with an approved mitigation plan, the Director will issue an order curtailing the junior-priority ground water user.” *Id.*

On May 14, 2026, the Director issued a *Final Order Curtailing Ground Water Rights Junior to October 11, 1900* (“*May Curtailment Order*”). The *May Curtailment Order* required holders of ground water rights within the ESPA ACGWS bearing priority dates junior to October 11, 1900, and listed in Attachment A, to “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pursuant to those water rights unless notified by the Department that the order of curtailment has been modified or rescinded as to their water rights.” *May Curtailment Order*, at 3.

Attachment A excluded certain junior-priority ground water rights bearing a priority date junior to October 11, 1900, that the Department understood to be protected by an approved mitigation plan. Following issuance of the *May Curtailment Order*, the Director became aware of several ground water rights bearing priority dates junior to October 11, 1900, that were not in fact covered by an approved mitigation plan and were incorrectly omitted from on Attachment A to the *May Curtailment Order*.

ANALYSIS

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.

“[W]hen it is found that junior-priority ground water pumping is causing a senior right holder material injury, the Director must either: (1) curtail junior-priority ground water pumping to satisfy the senior’s right, or (2) ‘[a]llow out-of-priority diversion of water by junior-priority ground water users pursuant to a mitigation plan that has been approved by the Director.’” *Rangen, Inc. v. Idaho Dep’t of Water Res.*, 160 Idaho 251, 256, 371 P.3d 305, 310 (2016), *abrogated in part on other ground by 3G AG LLC v. IDWR*, 170 Idaho 251, 509 P.3d 1180 (2022) (quoting IDAPA 37.03.040.01).

Consistent with the *As-Applied Order*, Idaho Code § 42-602, IDAPA 37.03.040.01, and decisions of the courts, the Director must order curtailment of junior-priority ground water users that have not established they can mitigate in accordance with an approved mitigation plan. Thus, the curtailment list must be supplemented to include those unmitigated junior-priority ground water rights that were not included in Attachment A to the *May Curtailment Order*.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that effective June 17, 2026, the curtailment list is amended to include the following ground water rights:

Water Right No. 25-7540, Laura Lee Hobbs, Licensed, Priority Date 08/18/1989, 0.10 cfs.

Water Right No. 25-4103, Bill Vaughn, Decreed, Priority Date 12/31/1958, 0.11 cfs.

Water Right No. 35-14613, Western Slope LLC., Decreed, Priority Date 03/05/1948, 0.61 cfs.

Water Right No. 35-14615, Western Slope LLC., Decreed, Priority Date 12/31/1940, 0.88 cfs.

Water Right No. 35-14617, Western Slope LLC., Decreed, Priority Date 09/28/1981, 0.05 cfs.

Water Right No. 35-7576, Woodland Heights Water Users Association., Decreed, 01/28/1976, 0.38 cfs.

IT IS FURTHER ORDERED that holders of these ground water rights shall immediately curtail/refrain from diversion and use of ground water pursuant to these water rights unless notified by the Department that the order of curtailment has been modified or rescinded as to their water rights. All other ground water rights listed in the Attachment A continue to be curtailed consistent with the *Final Order Curtailing Ground Water Rights Junior to October 11, 1900*.

Dated this 17th day of June 2026



MATHEW WEAVER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June 2026, the above and foregoing, was served by the method indicated below, and addressed to the following:

Laura Lee Hobbs 611 Amy Lane Idaho Falls, ID 83406	☒ U.S. Mail, postage prepaid
Bill Vaughn 7362 N 5 E Idaho Falls, ID 83401	☒ U.S. Mail, postage prepaid
Western Slope LLC 910 Twin Butte Road Menan, ID 83434-5116	☒ U.S. Mail, postage prepaid
Woodland Heights Water Users Association 2144 S Bellin Road Idaho Falls, ID 83402-5603	☒ U.S. Mail, postage prepaid
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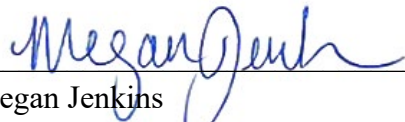
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