BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE DISTRIBUTION OF WATER TO VARIOUS WATER RIGHTS HELD BY AND 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 SIXTH METHODOLOGY ORDER AS TO FINDINGS OF FACT 43, 90, 91, AND 92**

On July 19, 2023, the Department issued its *Sixth Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* ("*Sixth Methodology Order*") in this matter.

On October 20, 2026, the Surface Water Coalition, City of Pocatello, City of Idaho Falls, Coalition of Cities, Idaho Ground Water Appropriators, Inc., and Jerry D. Bingham and Valerie H. Bingham jointly filed a *Stipulation and Joint Motion to Approve Insertions into the Sixth Methodology Order*.

In accordance with Idaho Code § 42-1701A(5) and consistent with the Director's contemporaneously issued *Order Granting Stipulation and Joint Motion to Approve Insertions into the Sixth Methodology Order; Order Approving Insertions; and Order Vacating Hearing and Deadlines*, the Director will amend, in part, the *Sixth Methodology Order*.

THEREFORE, BASED ON THE FOREGOING, THE FOLLOWING ARE HEREBY ORDERED:

1. The *Sixth Methodology Order* is hereby amended in part by the addition of footnote 15a to Finding of Fact 43. With the addition of footnote 15a, Finding of Fact 43 shall read as follows:

> 43. When the calculation of CWN/Ep results in a value for the month of April less than the average April diversion volume over a record of representative years in the recent past, the April RISD is set equal to the average April diversion volume. When the calculation of CWN/Ep results in a value greater than the average April diversion volume, the April RISD is equal to the calculated CWN/Ep volume.[15a]

[15a] Refer to Findings of Fact 90–92 for the May through September RISD Adjustment.

2. The *Sixth Methodology Order* is hereby amended in part by the addition of Section IV to the Findings of Fact, which shall consist of Findings of Fact 90, 91, and 92. Section IV shall immediately follow Finding of Fact 89 and read as follows:

IV. Continuation of Section II.C.v. Summary of Reasonable In-Season Demand Calculation

90. 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 has diverted through its diversion works system. Overestimation occurs when the CWN value for a given month, divided by Ep, exceeds the maximum historical monthly diversion volume for that entity. 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.

	Date of Max Historical Diversion (mo./yr.)	Max Historical Monthly Diversion (Acre-feet)	May Diversion Potential (Acre-feet)	June Diversion Potential (Acre-feet)	July Diversion Potential (Acre-feet)	August Diversion Potential (Acre-feet)	September Diversion Potential (Acre-feet)
A&B	6/2021	17,536	18,121	17,536	18,121	18,121	17,536
AFRD2	7/2005	100,090	100,090	96,861	100,090	100,090	96,861
BID	7/1978	81,621	81,621	78,988	81,621	81,621	78,988
Milner	7/1979	19,785	19,785	19,147	19,785	19,785	19,147
Minidoka	7/1978	92,788	92,788	89,795	92,788	92,788	89,795
NSCC	7/1990	233,595	233,595	226,060	233,595	233,595	226,060
TFCC	7/1979	226,143	226,143	218,848	226,143	226,143	218,848

Max SWC Historical Diversion Volume (based on Water District 1 records, and corresponding monthly Max Diversion Potential in Acre-Feet).

91. 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 potential 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 potential for that month, the RISD for that month is equal to the maximum diversion potential.

92. If Water District 1 records show a monthly volume diverted in excess of the maximum historical monthly diversion set forth in the table in Paragraph 90, or modifications to the diversion infrastructure decreases the maximum diversion works capacity of an individual irrigation entit(ies), such information may be submitted on or before April 1st of a given year for consideration by the Director in future orders.

3. This order shall become effective on January 1, 2027. Through December 31, 2026, the *Sixth Methodology Order* remains in full force and effect. As of January 1, 2027, the *Sixth Methodology Order* will remain in full force and effect, as amended by this order.

Dated this 30th day of October 2026.



MATHEW WEAVER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of October 2026, the above and foregoing was served by the method indicated below, and addressed to the following:

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EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

(To be used in connection with Final Orders issued by the Director when a hearing was held or when decided on summary judgment and all Final Orders issued by the Board)

The accompanying document is a "**Final Order"** issued by the agency head of the Idaho Department of Water Resources ("Department") or the Idaho Water Resource Board ("Board") pursuant to Idaho Code § 67-5246.

The following statements describe the procedures and time limits for seeking reconsideration or other administrative relief as required by Idaho Code § 67-5248:

PETITION FOR RECONSIDERATION

(*See* Idaho Code § 67-5246(4))

Any party may file a petition for reconsideration of this 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 filed with the Agency within this fourteen (14) day period.** The presiding officer will issue a written order disposing of the petition for reconsideration within twenty-one (21) days of its filing, or the petition will be considered denied by operation of law.

APPEAL TO DISTRICT COURT

(*See* Idaho Code §§ 67-5270 through 67-5279)

Within twenty-eight (28) days after: (a) the service date of this final order, (b) the service date of the presiding officer's decision on a petition for reconsideration, or (c) the failure of the presiding officer to dispose of a petition for reconsideration within twenty-one (21) days, any party may file a petition for judicial review of this final order with a district court. Filing an appeal to a district court does not in itself stay the effectiveness or enforcement of the final order appealed.

FILING AND SERVICE

(*See* IDAPA 37.01.01.053; I.R.C.P. 84(d))

All documents filed with the Department or Board in connection with a petition for reconsideration of this final order shall be filed and served in accordance with the Rules of Procedure of the Department and the Board.

Any petition for judicial review filed in connection with an appeal of this final order shall be served on the agency and all parties to the administrative proceeding in accordance with Idaho Rule of Civil Procedure 84.