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Mar 24, 2026
DEPARTMENT OF
WATER RESOURCES

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Attorneys for American Falls Reservoir District #2 and Minidoka Irrigation District

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~~ ~~Docket No. CM-MP-2015-003~~ Docket No. CM-MP-2026-003 **JOINT MOTION FOR ORDER APPROVING 2026-2027 INTERIM STIPULATION**
IN THE MATTER OF THE MITIGATION PLAN FILED BY A&B IRRIGATION DISTRICT FOR THE DISTRIBUTION OF WATER TO WATER RIGHTS HELD BY THE SURFACE WATER COALITION	

COME NOW, 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, by and through their undersigned attorneys of record, and jointly move the

Director for an order approving the *2026-2027 Interim Stipulation* attached hereto as Attachment A (the "2026-27 Stipulation") as stipulated compliance with the District's approved mitigation plan for the 2026 and 2027 irrigation seasons.

The parties have entered into the 2026-27 Stipulation to define A&B's mitigation obligation for the 2026 and 2027 irrigation seasons. The stipulated plan complies with CM Rule 43.03.o as the parties have entered into this interim stipulation for purposes of an acceptable mitigation plan "even though such plan may not otherwise be fully in compliance with these provisions." The SWC stipulates that, in exchange for the mitigation actions taken by A&B, the District's junior priority ground water rights will receive safe harbor from the SWC delivery call during the 2026 and 2027 irrigation seasons.

The parties jointly request the Director to issue an order accepting and approving the *2026-2027 Interim Stipulation* for the 2026 and 2027 irrigation seasons.

DATED this 24th day of March, 2026.

PARSONS BEHLE & LATIMER

/S/: Travis L. Thompson

Travis L. Thompson
Abby R. Bitzenburg

Attorneys for A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Company, and Twin Falls Canal Company

PARSONS BEHLE & LATIMER

/S/: Norman M. Semanko

Norman M. Semanko
Garrett M. Kitamura

Attorneys for American Falls Reservoir District #2 and Minidoka Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of March, 2026, I served a true and correct copy of the foregoing *Joint Motion for Order Approving 2026-2027 Interim Stipulation* on the following by the method indicated:

Director Mat Weaver Garrick Baxter Sarah Tschohl State of Idaho Dept. of Water Resources 322 E Front St. Boise, ID 83720-0098 *** service by electronic mail mat.weaver@idwr.idaho.gov garrick.baxter@idwr.idaho.gov sarah.tschohl@idwr.idaho.gov file@idwr.idaho.gov	Gail McGarry U.S. Bureau of Reclamation 1150 N. Curtis Rd. Boise, ID 83706-1234 *** service by electronic mail only emcgarry@usbr.gov	John K. Simpson IdaH20, PLLC 4354 N. Hackberry Way Boise, ID 83702-1667 *** service by electronic mail only jks@idahowaters.com
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/s/ Jessica Nielsen

_____

Jessica Nielsen
Legal Assistant for Travis L. Thompson &
Abby Bitzenburg

Attachment A

2026-2027 INTERIM STIPULATION

This Stipulation ("Interim Stipulation") is entered into effective April 1, 2026 between A&B Irrigation District ("A&B" or "District") and American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company (hereinafter collectively "Surface Water Coalition," "SWC," or "Coalition"). A&B and the Coalition may be referred to herein individually as a "party" and collectively as the "parties."

BACKGROUND

A. On December 27, 2023, A&B and the Coalition filed a *Stipulation re: A&B Irrigation District's Amended Mitigation Plan*. The Director issued a *Final Order Approving Amended Mitigation Plan* on January 10, 2025.

B. The parties mutually desire to avoid curtailment of A&B's water rights in 2026 and 2027 and work cooperatively and collaboratively to determine appropriate mitigation measures for future years pursuant to an amended mitigation plan.

AGREEMENT

Therefore, and in consideration of the terms, conditions, and obligations set forth below, the parties agree as follows:

1. Term. This Interim Stipulation defines the mitigation obligation of A&B for 2026 and 2027 (resulting from any order of the Director regarding in-season demand shortfall and reasonable carryover shortfall).

2. Groundwater Conservation. For the 2026 and 2027 irrigation seasons, A&B will continue to deliver surface water to approximately 3,576 acres previously irrigated with groundwater. The District has implemented a conversion program since the mid-1990s and has delivered surface water to the above-referenced acres for nearly ten years since the construction and use of its second pumping plant on the Snake River (Pumping Plant #2).

4. Storage Water Delivery. For the 2026 and 2027 irrigation seasons, A&B will deliver and assign one hundred twenty (120) acre-feet to the SWC in accordance with its Amended Mitigation Plan.[1] The storage water will be assigned as directed by the SWC to mitigate for in-season demand shortfall and reasonable carryover shortfall to injured SWC members. A&B shall assign the storage water from the following sources: 120 acre-feet (private lease from A&B's storage, submitted to Water District 01 pursuant to required deadlines by IDWR and WD1). The Coalition expressly stipulates to the above actions by A&B in exchange for A&B receiving safe harbor from the delivery call for its groundwater use pursuant to its water rights for the 2026 and 2027 irrigation seasons.

[1] *See* Addendum A.

5. Cooperative Negotiations / Reservation of Rights. The parties will negotiate cooperatively and in good faith in an effort to determine A&B's mitigation measures for 2028 and future years. Nothing within this Interim Stipulation shall be construed as an admission against interest or concession of any position a party may take in such future negotiations or in any litigation concerning the SWC delivery call or A&B's Amended Mitigation Plan, including IDWR's determinations of storage water mitigation obligations and any proportionate share analysis of affected ground water rights.

6. Miscellaneous.

6.1 No Third-Party Obligations or Beneficiaries. The obligations and benefits of this Interim Stipulation apply only to the parties. There are no third-party beneficiaries.

6.2 Counterparts. This Interim Stipulation may be executed in any number of counterparts (including execution by electronic submission) with the same effect as if all signing parties had signed the same document. All counterparts shall be construed together and constitute the same document. Signature pages may be detached from the counterparts and attached to a single copy of this Interim Stipulation to physically form one document.

[End of this Interim Stipulation; signature pages below]

Dated this 12 day of MARCH, 2026.

A&B IRRIGATION DISTRICT

Harold Mohlman, Chairman

Dated this ____day of _____, 2026.

AMERICAN FALLS RES. DISTRICT #2

_____

John Arkoosh, Chairman

Dated this ____day of _____, 2026.

BURLEY IRRIGATION DISTRICT

_____

Clifford Searle, Chairman

Dated this ____day of _____, 2026.

MILNER IRRIGATION DISTRICT

_____

Scott Breeding, Chairman

Dated this ____day of _____, 2026.

MINIDOKA IRRIGATION DISTRICT

_____

Ron Kowitz, Chairman

Dated this ____day of _____, 2026.

NORTH SIDE CANAL COMPANY

_____

Mike Elliott, Chairman

Dated this 10th day of March, 2026.

TWIN FALLS CANAL COMPANY

Roger Blass, Chairman

Dated this ____day of _____, 2026.

A&B IRRIGATION DISTRICT

_____
Harold Mohlman, Chairman

Dated this ____day of _____, 2026.

AMERICAN FALLS RES. DISTRICT #2

_____
John Arkoosh, Chairman

Dated this 2 day of March, 2026.

Vice

BURLEY IRRIGATION DISTRICT

_____
Clifford Searle, Chairman

Dated this ____day of _____, 2026.

MILNER IRRIGATION DISTRICT

_____
Scott Breeding, Chairman

Dated this ____day of _____, 2026.

MINIDOKA IRRIGATION DISTRICT

_____
Ron Kowitz, Chairman

Dated this ____day of _____, 2026.

NORTH SIDE CANAL COMPANY

_____
Mike Elliott, Chairman

Dated this ____day of _____, 2026.

TWIN FALLS CANAL COMPANY

_____
Roger Blass, Chairman

Dated this ____day of _____, 2026.

A&B IRRIGATION DISTRICT

_____

Harold Mohlman, Chairman

Dated this ____day of _____, 2026.

AMERICAN FALLS RES. DISTRICT #2

_____

John Arkoosh, Chairman

Dated this 12 day of March, 2026.

BURLEY IRRIGATION DISTRICT

Clifford Searle

Clifford Searle, Chairman

Dated this ____day of _____, 2026.

MILNER IRRIGATION DISTRICT

_____

Scott Breeding, Chairman

Dated this ____day of _____, 2026.

MINIDOKA IRRIGATION DISTRICT

_____

Ron Kowitz, Chairman

Dated this ____day of _____, 2026.

NORTH SIDE CANAL COMPANY

_____

Mike Elliott, Chairman

Dated this ____day of _____, 2026.

TWIN FALLS CANAL COMPANY

_____

Roger Blass, Chairman

Dated this ____day of _____, 2026.

A&B IRRIGATION DISTRICT

_____
Harold Mohlman, Chairman

Dated this ____day of _____, 2026.

AMERICAN FALLS RES. DISTRICT #2

_____
John Arkoosh, Chairman

Dated this ____day of _____, 2026.

BURLEY IRRIGATION DISTRICT

_____
Clifford Searle, Chairman

Dated this 11 day of March, 2026.

MILNER IRRIGATION DISTRICT

_____
Scott Breeding, Chairman

Dated this ____day of _____, 2026.

MINIDOKA IRRIGATION DISTRICT

_____
Ron Kowitz, Chairman

Dated this ____day of _____, 2026.

NORTH SIDE CANAL COMPANY

_____
Mike Elliott, Chairman

Dated this ____day of _____, 2026.

TWIN FALLS CANAL COMPANY

_____
Roger Blass, Chairman

Dated this ____day of _____, 2026.

A&B IRRIGATION DISTRICT

_____
Harold Mohlman, Chairman

Dated this ____day of _____, 2026.

AMERICAN FALLS RES. DISTRICT #2

_____
John Arkoosh, Chairman

Dated this ____day of _____, 2026.

BURLEY IRRIGATION DISTRICT

_____
Clifford Searle, Chairman

Dated this ____day of _____, 2026.

MILNER IRRIGATION DISTRICT

_____
Scott Breeding, Chairman

Dated this 10 day of March, 2026.

MINIDOKA IRRIGATION DISTRICT

Ron Kowitz
Ron Kowitz, Chairman

Dated this ____day of _____, 2026.

NORTH SIDE CANAL COMPANY

_____
Mike Elliott, Chairman

Dated this ____day of _____, 2026.

TWIN FALLS CANAL COMPANY

_____
Roger Blass, Chairman

Dated this ____day of _____, 2026.

A&B IRRIGATION DISTRICT

_____
Harold Mohlman, Chairman

Dated this ____day of _____, 2026.

AMERICAN FALLS RES. DISTRICT #2

_____
John Arkoosh, Chairman

Dated this ____day of _____, 2026.

BURLEY IRRIGATION DISTRICT

_____
Clifford Searle, Chairman

Dated this ____day of _____, 2026.

MILNER IRRIGATION DISTRICT

_____
Scott Breeding, Chairman

Dated this ____day of _____, 2026.

MINIDOKA IRRIGATION DISTRICT

_____
Ron Kowitz, Chairman

Dated this 19 day of FeB., 2026.

NORTH SIDE CANAL COMPANY

Mike Elliott
Mike Elliott, Chairman

Dated this ____day of _____, 2026.

TWIN FALLS CANAL COMPANY

_____
Roger Blass, Chairman

Addendum A

The stipulated mitigation storage obligation (120 acre-feet) represents the estimated proportionate share of any in-season demand shortfall that could be attributed to acres irrigated by A&B's groundwater rights, either partially or completely, during the irrigation season, with priorities junior to September 9, 1948 (i.e. 36-16749 et al).

The parties stipulate that until IDWR determines which junior priority ground water rights are responsible to mitigate for in-season demand shortfall (i.e. material injury) or a reasonable carryover shortfall "resulting from reduced aquifer discharge to the near Blackfoot to Minidoka reach caused by cumulative impacts of decades of groundwater use"[2] A&B should not be required to mitigate for groundwater use under its senior priority water right 36-2080 with a September 9, 1948 priority date.

Ground water rights with a priority date junior to December 30, 1953 (the curtailment date of the April 2023 Steps 1-3 Order, in-season demand shortfall 75,200 acre-feet), were estimated to have a steady-state impact of 831,039 acre-feet on the Near Blackfoot to Minidoka reach of the Snake River. Any injury "resulting from reduced aquifer discharge to the near Blackfoot to Minidoka reach caused by cumulative impacts of decades of groundwater use" of water rights junior to December 30, 1953 must be fully mitigated before any injury can be attributed to groundwater use caused by A&B's senior water right 36-2080.

Moreover, since the Ground Water Districts' *2024 Stipulated Plan* uses an annual storage delivery of 75,000 acre-feet (up to 82,500 acre-feet in 2027), A&B's stipulated storage obligation of 120 acre-feet fully covers any proportionate share attributed to the use of groundwater under its junior-priority water rights not fully converted to a surface water supply (i.e. 1,070 acres) using that annual storage mitigation quantity and an associated curtailment date (i.e. December 30, 1953).

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[2] *See Agency Staff Memorandum for A&B Irrigation District Hearing Regarding the April 2025 and July 2025 As-Applied Orders for the Surface Water Coalition Delivery Call* at p. 5 (J. Sukow, Dec. 30, 2025).