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DEPARTMENT OF
WATER RESOURCES

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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 TO REQUEST STAY OF CURTAILMENT / REQUEST FOR EXPEDITED CONSIDERATION**
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 ("A&B"), as applicant, and the Surface Water Coalition ("SWC")[1], by and through their undersigned attorneys of record, and jointly move the

[1] 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.

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Director for an order staying the curtailment of A&B's ground water rights with respect to the 2025 reasonable carryover injury determination.[2] *See Final Order Establishing 2025 Reasonable Carryover (Methodology Step 9)* (Nov. 21, 2025); *Final Order Curtailing Ground Water Rights Junior to August 15, 1952* (Dec. 8, 2025).

A&B and the SWC entered into the 2026-27 Stipulation to define A&B's mitigation obligation for the 2026 and 2027 irrigation seasons. On March 24, 2026 A&B and the SWC filed a joint motion for an order approving that stipulation. On April 2, 2026 IGWA filed its *Response in Opposition to Joint Motion for Order Approving 2026-27 Interim Stipulation; Notice of Protest*. On April 3, 2026 A&B and the SWC filed a *Reply in Support of Joint Motion for Order Approving 2026-27 Interim Stipulation*. On April 7, 2026, American Falls-Aberdeen Ground Water District filed its *Joinder in Support of IGWA's Response to Joint Motion for Order Approving 2026-27 Interim Stipulation; Notice of Protest*. Notice of the stipulated plan was published and the protest deadline is May 11, 2026.

Following the filings referenced above, the parties executed a term sheet agreeing to the interim stipulation for the 2026 and 2027 irrigation seasons with the amendment that A&B will deliver 1,252 acre-feet of storage to injured SWC members instead of the previously stipulated amount of 120 acre-feet. Additionally, the parties filed the *Joint Motion for Order Approving Amended 2026-2027 Interim Stipulation* on May 1, 2026.

Given the amended stipulation, and since A&B is committed to providing 1,252 acre-feet of storage to injured Coalition members in 2026 and 2027, A&B and SWC jointly request a stay

[2] Certain A&B water rights are subject to the December 8, 2025 curtailment order (36-16749 et al). *See* Ex. A to *Final Order Curtailing Ground Water Rights Junior to August 15, 1952* (Dec. 8, 2025). A&B does not use groundwater for most of these water rights as detailed in the *Stipulation Regarding A&B Irrigation District's Amended Rule 43 Mitigation Plan*. Although the proportionate share in the Step 9 order was calculated based upon groundwater pumping related to all of these water rights (i.e. 457 acre-feet), A&B's conversions in 2025 (and again in 2026) will cover 3,573.6 of the total 4,081.9 acres under the junior rights subject to curtailment.

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of the curtailment order to the extent it affects any of A&B's junior priority groundwater rights. No party expressed any opposition to A&B's request at the May 4, 2026 status conference held in docket no. CM-MP-2024-003. Given the irrigation season has begun and time is of the essence to address the parties' *Joint Motion* filed on May 1, 2026, A&B further requests expedited consideration of this motion pursuant to IDAPA 37.01.01.220.02.f.

A&B and the SWC jointly request the Director to stay curtailment and for expedited consideration.

DATED this 4th day of May, 2026.

PARSONS BEHLE & LATIMER

/S/: Travis L. Thompson

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

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/S/: Norman M. Semanko

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Garrett M. Kitamura

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of May, 2026, I served a true and correct copy of the foregoing *Joint Motion to Request Stay of Curtailment / Request for Expedited Consideration* 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	T.J. Budge Racine Olson P.O. Box 1391 Pocatello, ID 83204-1391 *** service by electronic mail only tj@racineolson.com tessa@racineolson.com
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/s/ Jessica Nielsen

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