



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Mathew Weaver

December 15, 2025

RE: Preliminary Order Creating Water District 69C

Water User,

The Idaho Department of Water Resources (Department) has issued the enclosed preliminary order, creating Water District 69C (WD69C) to administer surface water rights in the Crooked River watershed. Attachment A of the preliminary order shows the boundaries of the new water district. Department records indicate that you own, or have an interest in, one or more ground water rights located within WD69C.

The Department anticipates scheduling WD69C's initial annual meeting in March. Notice of the meeting, including the date, time, and location, will be sent to all water users within the district. At the annual meeting, water users present will elect a watermaster, adopt a budget, and conduct other business in accordance with Idaho Code Title 42, Chapter 6.

To prepare for WD69C's initial annual meeting, the Department will organize and meet with a volunteer steering committee over the next 60–90 days. If you are interested in volunteering for the WD69C steering committee or attending preliminary meetings, please contact me at 208-287-4813 or scott.luvaas@idwr.idaho.gov.

Pursuant to Idaho Code § 67-5243, the preliminary order will become a final order without further action by the Department unless a party files a petition for reconsideration, as explained in the enclosed information sheet. A copy of this order, including the cover letter and service list is available on the Department's website at: <https://idwr.idaho.gov/water-rights/water-districts/active>.

If you have any questions regarding the attached order, please contact the water distribution team at this office or our Western Region office in Boise (208-334-2190).

Respectfully,

Scott Luvaas
Water Administration Bureau

Encl: *Preliminary Order Creating Water District 69C*
Explanatory Information to Accompany a Preliminary Order

cc: IDWR Western Regional Office

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF THE CREATION)
OF THE CROOKED RIVER WATER)
DISTRICT, ADMINISTRATIVE)
BASIN 69)
)
PRELIMINARY ORDER CREATING
WATER DISTRICT 69C

The Director (“Director”) of the Idaho Department of Water Resources (“Department”) is required by statute to divide the state into water districts for the purpose of performing the essential governmental function of distributing water among appropriators under the laws of the State of Idaho. *In re Idaho Dept. of Water Res. Amended Final Order Creating Water Dist. No. 170*, 148 Idaho 200, 211, 220 P.3d 318, 329 (2009). Idaho Code § 42-604 vests the Director with discretion to determine how these mandatory water districts should be structured, allowing the Director to create new districts, revise existing districts, or even abolish districts, as the Director finds necessary for the efficient distribution of water resources. *Id.* Based upon the record in this matter, the Department finds, concludes, and orders as follows:

PRELIMINARY ACTIVITIES AND PROCEDURAL FACTS

1. The Crooked River watershed is located in Adams and Washington Counties and is tributary to the Wildhorse River in the Department's Administrative Basin 69 ("Basin 69").
2. On April 25, 2012, the Snake River Basin Adjudication ("SRBA") District Court closed claims taking in Basin 69.
3. On August 25, 2014, the SRBA District Court signed the Final Unified Decree, finalizing the judicial determination of water rights in the Snake River Basin, except for deferable domestic and stockwater rights and certain other water rights not required to be claimed in the adjudication.
4. Water rights authorizing the diversion of water from Crooked River and its tributaries were decreed by the Final Unified Decree.
5. Idaho Code § 42-604 states that the Director shall "divide the state into water districts in such manner that each public stream and tributaries [(hydrologic basin)] . . . shall constitute a water district . . ." Division of the state into water districts and constitution of a water district requires the Director to "create" a water district. The mandate to create water districts "shall not apply to streams or water supplies whose priorities of appropriation have not been adjudicated by the courts . . ." *Id.*

6. On December 20, 2024, Crooked River Ranches, LLC ("CRR") filed a Motion with the SRBA District Court seeking interim administration of water rights that divert water from the Crooked River in Basin 69 pursuant to Idaho Code § 42-1417. On April 16, 2025, the SRBA District Court issued *Order Granting Motion for Order of Interim Administration of Water Rights That Divert From Crooked River in Basin 69*. The Court authorized the Department to conduct the interim administration of water rights that divert from the Crooked River in Basin 69

in accordance with the Court's partial decrees for the 2025 irrigation season pursuant to Chapter 6, Title 42, Idaho Code.

7. The Court's April 16, 2025, order states that counsel for CRR stated to the Court that CRR intended to petition the Department to create a water district. The Court authorized the Department to administer water rights only for the 2025 season, with the expectation that a water district would be forthcoming. CRR did not file a petition with the Department. Nevertheless, the Department began the process of creating a water district.

8. On July 18, 2025, the Department issued *Notice of Proposed Action, Public Hearing, and Written Comment Period* in the Matter of the Proposed Creation of a Crooked River Water District ("Hearing Notice"). The Hearing Notice was sent by regular U.S. Mail to each holder of a licensed or decreed water right authorizing diversion of surface water in the Crooked River watershed. The notice proposed the creation of a water district to administer surface water rights within the Crooked River watershed pursuant to the provisions of Idaho Code § 42-604. The Hearing Notice described the proposed creation of a water district in the Crooked River watershed as shown on the map in Attachment A of this order, the reasons therefore, and the time and place for a hearing to be held (10:00 a.m. on August 8, 2025, in Council, Idaho). The notice also designated a time period within which written comments on the proposed action would be accepted.

9. The Hearing Notice further explained that the creation of the water district is necessary to properly administer surface water rights in the Crooked River drainage.

10. On August 8, 2025, commencing at approximately 10:00 AM at the US Forest Service Ranger Station in Council, Idaho, Nick Miller ("hearing officer"), Manager of the Department's Western Regional Office, conducted a public hearing concerning the proposed water district creation. Approximately 10 people attended the hearing.

11. Prior to going on the record, the hearing officer explained the hearing process to those in attendance and provided an opportunity to address any preliminary procedural questions. Once on the record, Department staff presented information that described the proposed district area, the features and operation of a water district, the reasons for creation of the district, and the water rights and uses proposed to be included in the district. The reasons given for the creation of the water district included the following:

- Administer and deliver surface water rights as necessary in accordance with the prior appropriation doctrine as established by Idaho law
- Measure, record, and monitor water diversions as necessary to deliver priority water rights and to assure that diversions do not exceed authorized water right diversion limits and
- Facilitate management of water rights. Water district operations and procedures provide a means to assist in the maintenance of water right ownership records, maintain water right descriptions such as points of diversion and places of use, and provide watermaster review and comments for water right transfers, water supply bank transactions, and potential new water right applications

12. The presentation by Department staff reported that the proposed district will include existing irrigation rights, instream stockwater rights, domestic water rights, and rights for other

purposes. Department staff noted that, unless the need arises, active administration, measurement requirements, and district assessments are expected to affect only the irrigation rights.

13. Following the presentation, the hearing officer allotted time for hearing participants to ask questions regarding the proposed water district.

14. Persons attending the hearing offered oral statements for the record. Additionally, the hearing officer held the record open through August 19, 2025.

15. The following individuals asked questions or presented oral statements for the record at the hearing:

- Brad Hild
- Karl Shrum
- Jason Rubelt
- Dana Schultz-Hild

16. On August 19, 2025, the Department received written comments filed on behalf of Crooked River Ranches. The document was signed by Dennis White, Karl Shrum, and Katie Shrum. No other written comments were received following the hearing.

FINDINGS OF FACT

1. The Crooked River watershed is depicted on the map attached as Attachment A. The Crooked River watershed drains approximately 25 square miles of land in Adams and Washington Counties and is tributary to the Wildhorse River in Basin 69.

2. Department records list 35 decreed or licensed water rights with points of diversion from surface water sources within the Crooked River watershed. Of these, approximately 30 are for small uses that typically have relatively low diversion rates and sporadic use (e.g., domestic, instream stockwater, stockwater, etc.) Five water rights are for larger, mostly continuous, consumptive uses (irrigation).

3. The larger irrigation rights are authorized to divert approximately 8.5 cubic feet per second (“cfs”) and have points of diversion close to one another¹. Most of the smaller, non-irrigation water rights have points of diversion generally upstream of the larger irrigation rights and are authorized to divert a maximum of approximately 0.5 cubic feet per second. Most of that use (approximately 0.37 cfs) is for stockwater use from springs.

4. CCR owns two water rights with the most senior priority within the Crooked River watershed. Karl Shrum of CCR testified in support of the proposed water district, noting that regulation would be helpful, particularly later in the season when supplies are typically low.

5. Jason Rubelt testified in favor of the proposed water district and noted a need for stockwater in the Crooked River below the irrigation diversions late in the season.

¹ A 360-acre boundary can be drawn to encompass every point of diversion for the irrigation rights in the district, and the primary points of diversion for the irrigation rights diverting from Crooked River are within 500 feet of each other.

CONCLUSIONS OF LAW

1. Idaho law declares all surface water, when in natural channels or springs or lakes, and all ground water within the State of Idaho, to be the property of the state, whose duty it is to supervise the appropriation and allotment of the water to those diverting the same for beneficial use. *See* Idaho Code §§ 42-101, 42-103, and 42-226.

2. The Director, acting on behalf of the State of Idaho, has the statutory authority to control the appropriation and use of all surface and ground waters within the state in accordance with, but not limited to, Idaho Code §§ 42-101, 42-103, 42-202(1), 42-220, 42-226, 42-237a.g., 42-351, and 42-602 et seq.

3. The Director is responsible for directing and controlling the distribution of water within water districts in accordance with the prior appropriation doctrine, as established by Idaho law. This responsibility is accomplished through watermasters who are supervised by the Director, as provided in Chapter 6, Title 42, Idaho Code.

4. Idaho Code § 42-604 mandates that the Director “shall” form water districts as necessary to properly administer uses of water from public streams, or other independent sources of water supply, for which a court having jurisdiction thereof has adjudicated the priorities of appropriation.

5. All the water rights claimed in the SRBA and within Basin 69, including the Crooked River watershed, have been adjudicated by the SRBA District Court.

6. The testimony and written statements are supportive of the water district as proposed.

7. Based upon the above statutory authorities and the record in this proceeding, the Director should create a water district to administer and regulate water rights and protect senior priority water rights in the Crooked River watershed.

ORDER

IT IS HEREBY ORDERED:

1. Water District 69C is created to include all surface water rights with points of diversion in the Crooked River watershed in Basin 69, as shown in the map appended hereto as Attachment A.

2. The holders of water rights within Water District 69C shall meet annually to elect a watermaster, adopt a budget, select an advisory committee, if desired, and otherwise operate in a manner consistent with the provisions of Chapter 6, Title 42, Idaho Code. Water District 69C will hold its first annual meeting at a date, time, and place to be announced by the Director.

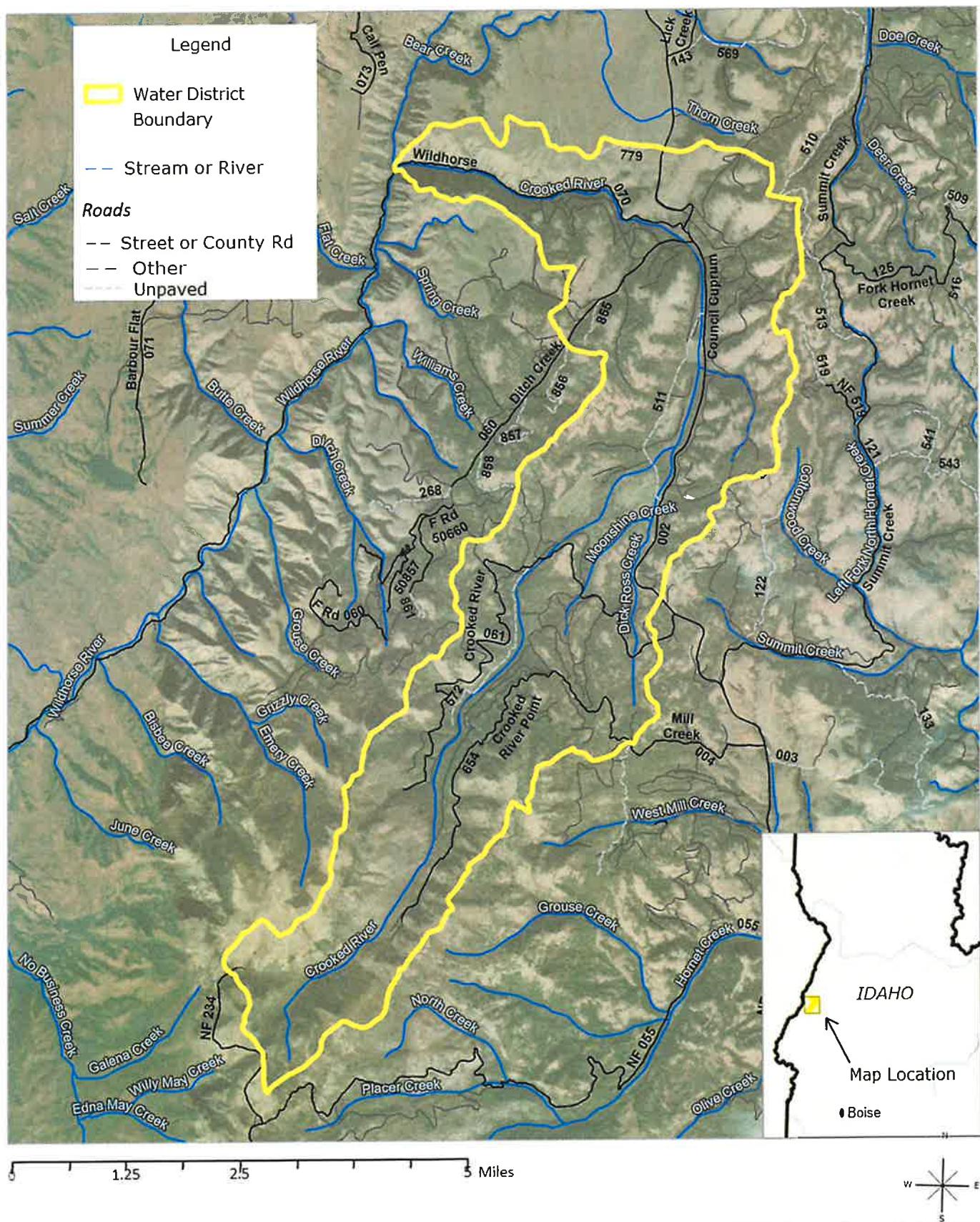
DATED this 15th day of December 2025.



Nick Miller
Hearing Officer

Attachment A

Water District 69C, Crooked River Watershed



EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was held)

The accompanying order is a **Preliminary Order** issued by the Idaho Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and brief as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, request for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of December 2025 I served a true and correct copy of the foregoing document on the following by the method(s) indicated below:

CROOKED RIVER RANCHES LLC
1820 JONES RD
WEISER ID 83672-5536

- U.S. Mail, Certified, postage prepaid
- U.S. Mail, postage prepaid
- Overnight Mail
- Email

WR #s: 69-4103A AND 69-4104A

DOUGLAS J FITZGERALD
PO BOX 333
EAGLE ID 83616

- U.S. Mail, Certified, postage prepaid
- U.S. Mail, postage prepaid
- Overnight Mail
- Email

WR #s: 69-7026

CARLA AND RICHARD HEDGES
988 N WINDHAM PL
EAGLE ID 83616-5380

- U.S. Mail, Certified, postage prepaid
- U.S. Mail, postage prepaid
- Overnight Mail
- Email

WR #s: 69-7008

BRAD AND MARY HILD
132 FLORENCE ST
NAMPA ID 83686

- U.S. Mail, Certified, postage prepaid
- U.S. Mail, postage prepaid
- Overnight Mail
- Email

WR #s: 69-7008

JEMMETT FAMILY TRUST
C/O F GRANT JEMMETT
26475 IVERSON RD
CALDWELL ID 83605

- U.S. Mail, Certified, postage prepaid
- U.S. Mail, postage prepaid
- Overnight Mail
- Email

WR #s: 69-10299 AND 69-10411

MARVIN JOHANSON
1863 NE 17TH AVE
PAYETTE ID 83661

- U.S. Mail, Certified, postage prepaid
- U.S. Mail, postage prepaid
- Overnight Mail
- Email

WR #s: 69-7008

MOONSHINE VENTURES LLC
PO BOX 44
COUNCIL ID 83612

- U.S. Mail, Certified, postage prepaid
- U.S. Mail, postage prepaid
- Overnight Mail
- Email

WR #s: 69-4103B AND 69-4104B

KRISTINE AND RALPH ROBERTS
10421 SCOTCH PINES RD
PAYETTE ID 83661

- U.S. Mail, Certified, postage prepaid
- U.S. Mail, postage prepaid
- Overnight Mail
- Email

WR #s: 69-7008

AVA E AND JACK RUBELT
2280 OLD HORNET RD
COUNCIL ID 83612

- U.S. Mail, Certified, postage prepaid
- U.S. Mail, postage prepaid
- Overnight Mail
- Email

WR #s: 69-4122

GORDON AND JUDY SEWARD
27520 OLD FORT BOISE RD
PARMA ID 83660

- U.S. Mail, Certified, postage prepaid
- U.S. Mail, postage prepaid
- Overnight Mail
- Email

WR #s: 69-7008

USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724-0001

- U.S. Mail, Certified, postage prepaid
- U.S. Mail, postage prepaid
- Overnight Mail
- Email

WR #s: 69-10204, 69-10205, 69-10218, 69-
10228, 69-10229, 69-10230, 69-10232, 69-
10239, 69-10251, 69-10275, 69-10276, 69-
11447, 69-11450, 69-11452, 69-11460, 69-
11461, 69-4083, 69-4084, 69-4085, 69-4101, 69-
7058, 69-7064, 69-7067 AND 69-7070

US DEPT OF AGRICULTURE
PAYETTE NATIONAL FOREST
500 N MISSION ST BLDG 2
MC CALL ID 83638-3805

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Scott Luvaas
Principal Water Resource Agent