

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

IN THE MATTER OF BASIN 37
ADMINISTRATIVE PROCEEDING

Docket No. AA-WRA-2021-001

**FINAL ORDER APPROVING
MITIGATION PLAN AND STAYING
CURTAILMENT**

BACKGROUND

On May 4, 2021, the Director of the Idaho Department of Water Resources (“Department”) issued a *Notice of Administrative Proceeding, Pre-Hearing Conference, and Hearing* (“Notice”). The *Notice* stated that a drought is predicted for 2021 irrigation season, and the water supply in Silver Creek and its tributaries may be inadequate to meet the needs of surface water users. *Id.* at 1. The *Notice* stated the Director was initiating an administrative proceeding, pursuant to Idaho Code § 42-237a.g. and IDAPA 37.01.01.104, to determine whether water is available to fill the ground water rights within the Wood River Valley south of Bellevue. *Id.*

A hearing was held starting on June 7, 2021, and ending on June 12, 2021. On June 28, 2021, the Director issued a *Final Order* curtailing ground water rights within the area known as the Bellevue Triangle, starting July 1, 2021. The Director instructed the watermaster for Water District 37 to curtail the ground water rights listed in Exhibit A to the *Final Order* unless notified by the Department that this order of curtailment has been modified or rescinded.

Prior to the issuance of the *Final Order*, on June 24, 2021, South Valley Ground Water District (“South Valley”) and Galena Ground Water District (“Galena”) filed *South Valley Ground Water District and Galena Ground Water District’s Proposed Mitigation Plan* (“Mitigation Plan”).

After the Director issued the *Final Order*, on June 28, 2021, South Valley and Galena filed *South Valley Ground Water District’s and Galena Ground Water District’s Petition to Stay Curtailment/Request for Expedited Decision/Request for Hearing on Proposed Mitigation Plan* (“Petition”).¹ In response, on June 29, 2021, the Director issued *Final Order Denying Petition to Stay Curtailment/Granting Request for Expedited Decision/ Granting Request for Hearing* granting the hearing request. On July 1, 2021, the Director issued a *Notice of Hearing* setting the hearing on the *Mitigation Plan* for July 6-8, 2021.

¹ South Valley and Galena emailed the Director a copy of the *Petition* and mailed the official filing on June 28, 2021. The official filing was received by the Department on July 2, 2021.

On the morning of July 6, prior to commencing the hearing on the Mitigation Plan, the parties requested time to conduct settlement discussions instead of proceeding with the hearing. Those discussions proved fruitful and that same day, South Valley and Galena submitted three applications for temporary transfer and one water supply bank rental application.

On July 7, 2021, South Valley, Galena, Big Wood & Little Wood Water Users Association, Big Wood Canal Company, and Lawrence Schoen entered into an agreement² whereby ground water users agreed to undertake certain actions to mitigate for injury to senior surface water rights that divert water from Silver Creek and the Little Wood River. The agreement has three principal components: (1) maintaining the delivery of 23 cfs flow to Station 10 on the Little Wood; (2) acquisition of 2,500 AF of storage water rights for delivery through the Milner-Gooding Canal; and (3) a reduction in the irrigation season.

On July 7, 2021, South Valley and Galena also submitted the agreement to the Department as *South Valley Ground Water District and Galena Groundwater District's Revised and Amended Proposed Mitigation Plan* ("Amended Mitigation Plan"). The *Amended Mitigation Plan* explains that the three applications for temporary transfer and the one water supply bank rental application submitted on July 6 are necessary to implement the agreement. *Amended Mitigation Plan* at 2-3.

DISCUSSION

South Valley and Galena state the *Amended Mitigation Plan* is submitted pursuant to Conjunctive Management Rule 43 (IDAPA 37.03.11.043). *Amended Mitigation Plan* at 2. However, as previously emphasized in the *Notice* and multiple orders of this proceeding, the conjunctive management rules do not apply. The Director's authority to prohibit or limit ground water use under Idaho Code § 42-237a.g. is expressly "discretionary" and also "broad." *Stevenson v. Steele*, 93 Idaho 4, 11-12, 453 P.2d 819, 826-27 (1969). Mitigating the adverse effects of ground water pumping in the Bellevue Triangle on the present or future use of senior surface water rights diverting from Silver Creek and the Little Wood River can be an alternative to curtailment pursuant to Idaho Code § 42-237a.g. The Director concludes he has authority to approve a proposed mitigation plan.

The parties to the *Amended Mitigation Plan* comprise the active participants affected by the *Final Order*.³ Because the active participants affected by the *Final Order* all agree to the *Amended Mitigation Plan*, the Director finds that the *Amended Mitigation Plan* is approvable.

² The agreement is titled Big Wood and Little Wood Water Users Association ("BWLWWUA"), Big Wood Canal Company ("BWCC"), South Valley Ground Water District ("SVGWD"), and Galena Ground Water District ("GGWD") – Final 2021 Term Sheet. A copy is attached as Attachment A.

³ These parties comprise the active participants in groups one (surface water users) and two (ground water users) as identified in the *Prehearing Order*; *Scheduling Order*. There were multiple parties in each group that did not actively participate in the hearing. In group one, the City of Gooding did not actively participate in the hearing. In group two, Dean R. Rogers III, Dean R. Rogers Inc., and Swiftsure Ranch did not actively participate. Further, the Idaho Department of Fish and Game, part of group two, was not curtailed in the *Final Order* and therefore not affected by it.

Therefore, pursuant to the Director's discretionary authority in this matter, the agreement and *Amended Mitigation Plan* are approved.⁴

Because the *Amended Mitigation Plan* is approved, the curtailment ordered in the *Final Order* should be stayed. The stay should be contingent upon compliance with the terms of the *Amended Mitigation Plan*. If the terms are not met, the Watermaster for Water District 37 should curtail ground water users as provided in the agreement.

ORDER

Based on the foregoing, IT IS HEREBY ORDERED that the *Amended Mitigation Plan* is APPROVED.

IT IS FURTHER ORDERED that because the *Amended Mitigation Plan* is approved, curtailment of the ground water rights in the Bellevue Triangle, for the 2021 irrigation season is STAYED. The Director instructs the Watermaster for Water District 37 to cease curtailing the ground water rights listed in Exhibit A to the *Final Order*. The stay is contingent upon compliance with the *Amended Mitigation Plan*. If the terms are not met, the Watermaster for Water District 37 shall curtail ground water users as provided in the agreement.

DATED this 0th day of July, 2021.



GARY SPACKMAN
Director

⁴ Approval of the *Amended Mitigation Plan* moots the need to have a hearing on the *Mitigation Plan*. Further, the parties did not request a hearing on the *Amended Mitigation Plan*.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 8th day of July, 2021, the above and foregoing FINAL ORDER APPROVING MITIGATION PLAN AND STAYING CURTAILMENT was served by the method indicated below, and address to the following:

<p>James R. Laski Heather E. O'Leary Lawson Laski Clark, PLLC 675 Sun Valley Rd., Ste. A P.O. Box 3310 Ketchum, ID 83340 jrl@lawsonlaski.com heo@lawsonlaski.com efiling@lawsonlaski.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Matthew A. Johnson Brian T. O'Bannon White, Peterson, Gigray & Nichols, P.A. 5700 East Franklin Road, Suite 200 Nampa, Idaho 83687-7901 mjohnson@whitepeterson.com bobannon@whitepeterson.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Laird B. Stone Stephan, Kvanvig, Stone, & Trainor P.O. Box 83 Twin Falls, Idaho 83303-0083 skst@idaho-law.com cynthia@idaho-law.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Jerry R. Rigby Rigby, Andrus & Rigby, Chartered 25 North Second East Rexburg, ID 83440 jrigby@rex-law.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Joseph F. James James Law Office, PLLC 125 5th Ave. West Gooding, ID 83330 joe@jamesmvlaw.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Robert L. Harris Holden, Kidwell, Hahn & Crapo, P.L.L.C. P.O. Box 50130 1000 Riverwalk Drive, Suite 200 Idaho Falls, ID 83405 rharris@holdenlegal.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>

Rusty Kramer, Secretary PO Box 507 Fairfield, ID 83327 waterdistrict37b@outlook.com	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid Hand Delivery Overnight Mail Facsimile Email
Brendan L. Ash James Law Office, PLLC 125 5th Ave. West Gooding, ID 83330 efile@jamesmvlaw.com	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid Hand Delivery Overnight Mail Facsimile Email
Richard T. Roats Lincoln County Prosecuting Attorney P.O. Box 860 Shoshone, ID 83352 rtr@roatslaw.com	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid Hand Delivery Overnight Mail Facsimile Email
Paul Bennett 114 Calypso Lane Bellevue, ID 83313 info@swiftsureranch.org	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid Hand Delivery Overnight Mail Facsimile Email
J. Evan Robertson Robertson & Slette, PLLC P.O. Box 1906 Twin Falls, Idaho 83303-1906 erobertson@rsidaholaw.com	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid Hand Delivery Overnight Mail Facsimile Email
Ann Y. Vonde Owen Moroney P.O. Box 83720 Boise, ID 83720-0010 ann.vonde@ag.idaho.gov owen.moroney@idfg.idaho.gov	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid Hand Delivery Overnight Mail Facsimile Email
James P. Speck Speck & Aanestad P.O. Box 987 Ketchum, ID 83340 jim@speckandaanestad.com	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid Hand Delivery Overnight Mail Facsimile Email
John K. Simpson Barker Rosholt & Simpson LLP 1010 Jefferson St., Ste. 102 P.O. Box 2139 Boise Idaho 83701-2139 jks@idahowaters.com	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	U.S. Mail, postage prepaid Hand Delivery Overnight Mail Facsimile Email

<p>Lawrence Schoen Napolisunaih 18351 U.S. Highway 20 Bellevue, ID 83313 lschoen@naramail.net</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Idaho Ranch Hands Property Management 218 Meadowbrook Hailey, ID 83333 idahoranchhands@gmail.com</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Southern Comfort Homeowner's Association P.O. Box 2739 Ketchum, ID 83340</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email
<p>W. Kent Fletcher Fletcher Law Office P.O. Box 248 Burley, Idaho 83318 wkf@pmt.org</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Albert P. Barker Travis L. Thompson Barker Rosholt & Simpson LLP 1010 W. Jefferson St., Ste. 102 PO Box 2139 Boise, ID 83701-2139 apb@idahowaters.com tl@idahowaters.com</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Candice McHugh McHugh Bromley, PLLC 380 S. 4th St., Ste. 103 Boise, ID 83702 cmchugh@mchughbromley.com</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Chris M. Bromley McHugh Bromley, PLLC 380 S. 4th St., Ste. 103 Boise, ID 83702 cbromley@mchughbromley.com</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email
<p>Norman M. Semanko Parsons Behle & Latimer 800 West Main Street, Ste 1300 Boise, ID 83702 NSemanko@parsonsbehle.com</p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email

<p>Sarah A. Klahn Somach Simmons & Dunn 2033 11th St., Suite 5 Boulder, CO 80302 sklahn@somachlaw.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Randall C. Budge Thomas J. Budge Racine Olson, PLLP 201 E. Center St. P.O. Box 1391 Pocatello, Idaho 83204 randy@racineolson.com tj@racineolson.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>Michael C. Creamer Michael P. Lawrence Charlie S. Baser Givens Pursley LLP 601 W. Bannock St. P.O. Box 2720 Boise, Idaho 83701-2720 mpl@givenspursley.com mcc@givenspursley.com csb@givenspursley.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
<p>GARY D. SLETTE ROBERTSON & SLETTE PLLC PO Box 1906 Twin Falls, Idaho 83303 gslette@rsidaholaw.com</p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>


Megan Jenkins
Administrative Assistant

I FURTHER CERTIFY that on this 8th day of July 2021, a true and correct copy of the foregoing was served on the following by U.S. mail only:

187 SLUDER DR LLC
PO BOX 143
RICHFIELD, ID 83349

SBISON LLC
PO BOX 3430
SUN VALLEY, ID 83353-3430

ABJ2 LLC
PO BOX 3322
HAILEY, ID 83333

JASON V AND WHITNIE A ANDERSON
10627 HIGHWAY 75
BELLEVUE, ID 83313-5031

CYNTHIA E AND GREGORY L ANDERSON
161 PERO RD
BELLEVUE, ID 83313

ANDERSON ASPHALT PAVING INC
C/O LARRY D ANDERSON
PO BOX 759
HAILEY, ID 83333-0759

ANDREA STEVESON WARD IRREVOCABLE
TRUST AND JOHN FELL STEVENSON JR
IRREVOCABLE TRUST
PO BOX 3322
HAILEY, ID 83333-3322

TONYA APPEGATE
15181 WOODLAND HEIGHTS RD
AMITY, OR 97101

GARY DAVID ARAMBARRI
1231 S 2375 W
SYRACUSE, UT 84075

RON ARAMBARRI
PO BOX 1572
LINCOLN, MT 59639

DANIEL JOHN AND GRETCHEN KATHLEEN
ARGUEDAS
1301 N 14TH ST
BOISE, ID 83702-3539

AUBREY SPRING RANCH LLC
18450 HWY 20
BELLEVUE, ID 83313

RUSTY BAIRD
4 ROPES END RD
BELLEVUE, ID 83313

CAROLYN BAIRD
4 ROPES END RD
BELLEVUE, ID 83313

JEREMY WAYNE AND TAMARA KATRINA
BAKER
4 SCHOESSLER LN
BELLEVUE, ID 83313-5205

PATRICIA LATHAM AND ROBERT R BALL
PO BOX 1215
BELLEVUE, ID 83313-1215

DARIN AND KATHLEEN BARFUSS
PO BOX 104
BELLEVUE, ID 83313

BASELINE CANAL CO, BASELINE PUMP
ASSN # 1 AND BASELINE PUMP ASSN # 2
C/O CATHY ZACCARDI
137 BASELINE RD
BELLEVUE, ID 83313

AUDREY AND GERALD B BASHAW AND
LOVING SPRINGS RANCH LP
PO BOX 767
PICABO, ID 83348-0767

BASHAW FAMILY TRUST AND THE BRETT
& PATRICIA BASHAW FAMILY TRUST
C/O GERALD BASHAW
PO BOX 767
PICABO, ID 83348

WILLIAM M BECK
PO BOX 930
BELLEVUE, ID 83313-0930

THOMAS M BECK
3515 W CRESCENT RIM DR
BOISE, ID 83706-2722

BELLE RANCH LLC AND JOHN F STEVENSON
36 HILLSIDE RANCH RD
BELLEVUE, ID 83313-5147

BELLE RANCH LLC
733 N MAIN ST STE G
BELLEVUE, ID 83313-6068

BARBARA BENSON
97 FREEDOM LOOP
BELLEVUE, ID 83313-5013

BRIAN BLACKBURN
PO BOX 582
HAILEY, ID 83333-0550

BLACKBURN FARMING LLC
535 GANNETT RD UNIT E
BELLEVUE, ID 83313-5045

BLAINE COUNTY RECREATION DISTRICT
1050 FOX ACRES RD ROOM 100
HAILEY, ID 83333

HELEN H BOND
120 BASELINE RD
BELLEVUE, ID 83313

MICHAEL P BORDENKIRCHER
87 BASELINE RD
BELLEVUE, ID 83313-5023

C W & R H GARDNER FAMILY LIMITED
PARTNERSHIP
PO BOX 1200
HAILEY, ID 83333-1201

GEORGE E AND MARGARET J CAMERON
PO BOX 177
BELLEVUE, ID 83313

LESLIE H AND THELMA CLOUGHTON
CAMERON
PO BOX 326
BELLEVUE, ID 83313

MARGARET C CASEY
PO BOX 2112
HAILEY, ID 83333

JUDY CASH
PO BOX 880
BELLEVUE, ID 83313-0880

CEMMRM PARTNERS LLC
C/O DON MC GRATH
140 GOLDEN EAGLE DR S
HAILEY, ID 83333-5129

CHANEY CREEK RANCH LLC
C/O ELIZABETH K GRAY
PO BOX 3175
KETCHUM, ID 83340

CODY WHEELER AND MC KENNA CHASE
8 BASELINE EXT
BELLEVUE, ID 83313-5094

FRANK M SMITH AND SHANNON M
CONNAUTON
90 FREEDOM LOOP
BELLEVUE, ID 83313

MICHAEL A HARRIS AND PEPIN CORSO-
HARRIS
PO BOX 879
DONNELLY, ID 83615-0879

JERRY L CROCE
30 FREEDOM LOOP
BELLEVUE, ID 83313

DAVID GARST REVOCABLE TRUST
4650 MERIDIAN RD
CHICO, CA 95973-9308

AARON M DE CHEVRIEUX AND STEPHANIE
J EISENBARTH
PO BOX 615
BELLEVUE, ID 83313

TANA L DEAN
40 FREEDOM LOOP
BELLEVUE, ID 83313

PAUL A DEAN
40 FREEDOM LP
BELLEVUE, ID 83313

DEAN R ROGERS INC
28 HILLSIDE RANCH RD
BELLEVUE, ID 83313

DENZEL R & MARY S ROWLAND
REVOCABLE LIVING TRUST
5195 E YACHT CLUB
EDEN, UT 84310

ANDREW DIGES
PO BOX 834
BELLEVUE, ID 83313

BRYAN K DILWORTH AND KELLY M
ROCKWOOD
PO BOX 3600
KETCHUM, ID 83340

ROBERT P DREYER
PO BOX 4917
KETCHUM, ID 83340

JEFFREY A PAGE AND TRISHA DRISCOLL
PO BOX 2110
SUN VALLEY, ID 83353-2110

DIANE L AND LARRY DRUSSEL
311 BASELINE RD
BELLEVUE, ID 83313

ESTATE OF JAMES IVAN EAKIN AND GRACE
EAKIN
28 PERO RD
PO BOX 296
BELLEVUE, ID 83313

JESSICA A AND LYLE G EGE
17923 HIGHWAY 20
BELLEVUE, ID 83313-5107

FARMERS NATIONAL BANK WENDELL
OFFICE
PO BOX 546
WENDELL, ID 83355

FERY LC RANCH LLC, GATES FAMILY
PARTNERSHIP LP AND WLCR LLC
18433 HIGHWAY 20
BELLEVUE, ID 83313-5117

ARLENE AND MILTON D FIFE
C/O RICHARD FIFE
18482 HIGHWAY 20
BELLEVUE, ID 83313-5116

DIANA K AND HIRAM FINNEY
1754 E 4000 N
BUHL, ID 83316-5648

JOHN M AND JULIE C FLOLO
22 ROPES END RD
BELLEVUE, ID 83313

DIANA L AND JOHN D FLOOD AND JOHN D
& DIANA L FLOOD TRUST
QUEENS CROWN RANCH
19249 HIGHWAY 20
PICABO, ID 83348-5000

CHARLES T AND KATHLEEN MAHER FOLEY
822 A1A N STE 201
PONTE VEDRA BEACH, FL 32082

EDITH FREDRICKSON
17833 U S HWY 20
BELLEVUE, ID 83313

RONALD T HARRISON AND SARAH R
GARDNER
661 GANNETT RD
GANNETT, ID 83313

KATE L LEAH AND MATTHEW A GARNER
20 CHUCKWAGON LN
BELLEVUE, ID 83313

GARY & JUDITH FRUGARD TRUST
PO BOX 346
BELLEVUE, ID 83313

JAY AND NANCY GOVE
10664 HWY 75
BELLEVUE, ID 83313

LARRY G AND LUANNE GREEN
101 N MAIN ST
HAILEY, ID 83333-8410

JUDITH P GRIGSBY
PO BOX 254
BELLEVUE, ID 83313

JOAN WATTS AND JOHNNY HALE
PO BOX 360
BELLEVUE, ID 83313-0360

RANDY HALL
12965 SW MORGAN CT
BEAVERTON, OR 97008

JEFF HALL
12801 ELMORE RD
ANCHORAGE, AK 99516

JASON KELLER AND MELISSA HANSON
200 BYINGTON LN
GANNETT, ID 83313

JERRY P AND STEPHANIE A HAYWARD
1427 E PINE CREEK RD
FEATHERVILLE, ID 83647-5395

HEART ROCK RANCH LLC
PO BOX 3724
HAILEY, ID 83333

HEMINGWAYS BLIND LLC
4500 GORDON DR
NAPLES, FL 34102-7914

JULIE AND TERRANCE HENEGHAN
16 ROPES END RD
BELLEVUE, ID 83313

BRADLEY HENSON
11 BLUE BIRD CIR
BELLEVUE, ID 83313-5057

HOOK & TEE LLC
PO BOX 7690
KETCHUM, ID 83340-7109

CLIFTON R AND RHONDA L IVERSON
PO BOX 725
STAR, ID 83669-0659

MICHAEL AND STEPHANIE JASKOWSKI
PO BOX 2111
HAILEY, ID 83333

MICHAEL JESSEN
89 FREEDOM LP
BELLEVUE, ID 83313

JILL AND MARK JOHNSON
231 TENDROY ST
BELLEVUE, ID 83313-5097

TRAVIS H JORGENSEN
PO BOX 724
HAILEY, ID 83333

DEBORAH, KENNETH AND KYLE KIMBALL
PO BOX 457
BELLEVUE, ID 83313

LAKESIDE INDUSTRIES INC
PO BOX 479
BELLEVUE, ID 83313-0479

CHRISTOPHER AND LUCIA LARSON
10763 HWY 75
BELLEVUE, ID 83313

MARK AND STEVE LOOMIS
PO BOX 1969
HAILEY, ID 83333

LOVAS TRUST
13233 SNOWSHOE THOMPSON CIR
TRUCKEE, CA 96161-5181

MARGARET AND WILLIAM J LUNCEFORD
PO BOX 739
KETCHUM, ID 83340

PETER AND VICTORIA MADSEN
PO BOX 334
HAILEY, ID 83333

MICHAEL H AND NATASHA MARLOW
PO BOX 927
KETCHUM, ID 83340-0927

CHRISTOPHER D AND SUSAN M MC
GOWAN
11367 SW RIVERWOOD RD
PORTLAND, OR 97219

MARSHAL MC INNIS
311 GLENDALE RD
BELLEVUE, ID 83313-5055

A W AND MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE, ID 83313

JOHN I AND KRISTY MOLYNEUX
10407 HIGHWAY 75
BELLEVUE, ID 83313-5103

WILLIAM L MOLYNEUX
027 DURFEE RD
CAREY, ID 83320

FRANK AND JANET NACHTMAN
PO BOX 966
BELLEVUE, ID 83313

JESSE A AND JIM L NISSON
327 BASELINE RD
BELLEVUE, ID 83313

KATHY NOBLE
86 FREEDOM LOOP
BELLEVUE, ID 83313-5012

NORTHWEST FARM CREDIT SERVICES FLCA
406 PARK VIEW LOOP
TWIN FALLS, ID 83301-3393

DENNIS P O BRIEN
313 GLENDALE RD
BELLEVUE, ID 83313-5055

MATTHEW ALLEN AND SHERRIE M PHELPS
400 BYINGTON LN
GANNETT, ID 83313-6070

PICABO LIVESTOCK CO
PO BOX 688
PICABO, ID 83348-0688

PICABO LIVESTOCK CO INC
PO BOX 748
PICABO, ID 83348

POINT OF ROCKS RANCH LLC
PO BOX 9320
KETCHUM, ID 83340

SCOTT C PORTER
PO BOX 99
HAILEY, ID 83333

PRAIRIE SUN RANCH OWNERS ASSN INC
PO BOX 1151
BELLEVUE, ID 83313

RALPH W & KANDI L GIRTON 1999
REVOCABLE TRUST
PO BOX 39
BELLEVUE, ID 83313

LORI L REBISCHKE
6652 S HOGG RD
MARSING, ID 83639

LINDA K REED AND WILLIAM K SAMPLE
PO BOX 1042
BELLEVUE, ID 83313

RENEGADE MC GLOCHLIN LLC
C/O DIANE J RINKER
PO BOX 7250
NEWPORT BEACH, CA 92658-7250

KEN AND MALINDER SANGHA
PO BOX 9200
KETCHUM, ID 83340

KATHRYN AND STEPHEN SCHMID
205 9TH AVE N
TWIN FALLS, ID 83301

DANIEL E SCHMIDT
10901 HWY 75
BELLEVUE, ID 83313

KATHY SCHOESSLER
PO BOX 712
WELLS, NV 89835-0712

THERESA L AND WILLIAM T "ROCKY"
SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

SILVER SAGE PROPERTIES LLC
475 E OAK FOREST RD
SALT LAKE CTY, UT 84103-2244

C D AND MYRA JOAN SLUDER
PO BOX 868
BELLEVUE, ID 83313

C D AND M JOAN SLUDER
PO BOX 22
BELLEVUE, ID 83313

GARY M AND PATRICIA M SMITH
PO BOX 676
BELLEVUE, ID 83313-0676

GEOFFREY C SMITH
17926 HWY 20
BELLEVUE, ID 83313

RICHARD SPRINGS III
121 PUNKIN CENTER RD
GANNETT, ID 83313

STALKER CREEK RANCH LLC
PO BOX 739
SUN VALLEY, ID 83353

MARK A AND MEAGAN R STASZ
PO BOX 2948
HAILEY, ID 83333

JOHN F STEVENSON JR
369 MONTEZUMA AVE #152
SANTA FE, NM 87501

ROBERT J STRUTHERS
762 ROBERT ST
PICABO RT
BELLEVUE, ID 83313

JOHN A, MEGAN AND SAMANTHA
TEDESCO
1450 PURSIMA CREEK RD
HALF MOON BAY, CA 94019

THE NATURE CONSERVANCY
116 N 1ST AVE
HAILEY, ID 83333-8411

THOMAS M O GARA FAMILY TRUST
C/O BRIAN BARSOTTI
PO BOX 370
KETCHUM, ID 83340

THREE CREEKS RANCH LLC
1901 BAYADERE TERRACE
CORONA DL MAR, CA 92625-1810

TERRANCE P TRASK
PO BOX 2276
HAILEY, ID 83333

TRUXAL 2019 REVOCABLE TRUST
PO BOX 431
BELLEVUE, ID 83313-0431

CINDRA L PALMER AND MICHAEL E
WALBERT
PO BOX 219
HAILEY, ID 83333

WALKER SAND & GRAVEL LTD CO
PO BOX 869
MAGNA, UT 84044-0869

CHARLENE B AND DAVID WALTERS AND
WALTERS READY MIX INC
PO BOX 390
REXBURG, ID 83440-0390

ANN MARIE WARBERG
10761 HIGHWAY 75
BELLEVUE, ID 83313

ANDREA S WARD
4200 SW TORR LN
PORTLAND, OR 97221

DOUG WEBB AND WEBB LANDSCAPE INC
PO BOX 444
SUN VALLEY, ID 83353

ANNETTE WEBER
PO BOX 2814
HAILEY, ID 83333

ANNETTE WEBER
350 S HAMILTON #802
MADISON, WI 53703

MICHAEL J AND RUTH WEEMS
PO BOX 455
BELLEVUE, ID 83313

WICKED GAMES INC
PO BOX 1191
SUN VALLEY, ID 83353-1191

WOOD RIVER LAND TRUST CO
119 E BULLION ST
HAILEY, ID 83333

JUNE I WORTHINGTON
41 KILPATRICK BRIDGE RD
BELLEVUE, ID 83313

KENNETH D WORTHINGTON
41 KILPATRICK BRIDGE RD
BELLEVUE, ID 83313-5133



Megan Jenkins

ATTACHMENT A

BIG WOOD AND LITTLE WOOD WATER USERS ASSOCIATION (“BWLWWUA”), BIG WOOD CANAL COMPANY (“BWCC”)¹, SOUTH VALLEY GROUND WATER DISTRICT (“SVGWD”), AND GALENA GROUND WATER DISTRICT (“GGWD”)² – FINAL 2021 TERM SHEET

1. Objectives

- a. Mitigate for material injury to senior surface water rights that divert water from Silver Creek and the Little Wood River reaches between “Silver Creek at Sportsman’s Access NR Picabo ID” and the confluences of the Little Wood and Big Wood rivers;
- b. Provide safe harbor to Groundwater Users on the Bellevue Triangle that divert groundwater within the Basin 37 Administrative Proceeding curtailment boundary;
- c. Minimize economic impact to water users and the economy arising from water supply shortages; and
- d. Develop and submit an approved Ground Water Management Plan for the Big Wood Ground Water Management Area (“BWGWMA”).

2. 2021 Irrigation Season Mitigation Practices

- a. Delivery of Natural Flow Water as Measured at Station 10: Through September 1, 2021, the Groundwater Users shall ensure a minimum of 23 cfs of flow at Station 10 to support senior surface water right diversions from the Little Wood River above the Milner-Gooding Canal (flows below 20 cfs will enact full curtailment, after a 48-hour “cure” period, total cure period during the 2021 Irrigation Season not to exceed 144 hours).
 - i. This could consist of pumped groundwater, some amount of water generated from flexibly-applied self-curtailment and incidental reach gains.
 - ii. “Monsoon” Exception: Picabo Livestock (“PL”) will not divert its 1883 surface water rights, unless (1) 23 cfs of flow at Station 10 is occurring without any SVGWD pumping to sustain the 23 cfs; and (2) PL’s 1883 surface water rights are in priority.
- b. Fixed Storage Water Delivery: For delivery to Surface Water Users diverting from the Little Wood River below the Milner-Gooding Canal, the Groundwater Users will take the following actions:
 - i. Reimburse the full cost of 1,000 acre-feet of storage water already acquired by the senior Surface Water Users during the 2021 irrigation season; and
 - ii. Acquire an additional 1,500 acre-feet of storage water, for 2,500 acre-fee total, and deliver it to senior Surface Water Users upon request. The Groundwater Users are responsible for acquiring storage water and wheeling contracts to deliver the water via the Milner-Gooding Canal.
- c. Irrigation Season Reduction: Groundwater Users agree to end groundwater diversions on August 15, 2021. An exception is allowed for the use of groundwater to irrigate seed potatoes within the curtailment area to the extent that surface water rights for the acreages are not available.

3. Long Term Ground Water Management Plan

- a. Ground Water Management Plan: the Groundwater Users agree to work through the BWGWMA Advisory Committee and in coordination with senior Surface Water Users to develop and submit to the

¹ The BWLWWUA and the BWCC, along with Lawrence Schoen are collectively referred to as the “Surface Water Users.”

² The SVGWD and the GGWD are collectively referred to as the “Groundwater Users.”

Director of IDWR a Ground Water Management Plan ("Plan"). The Plan shall be submitted to the Director by December 1, 2021.

- b. Resumption of Basin 37 Proceeding: If a Plan is not submitted, or a Plan is submitted that is unacceptable to the Director, per the Director's July 3 letter³, he will resume the Basin 37 proceedings to determine what actions he should take to ensure that groundwater diversions within the "Wood River Basin" don't negatively affect surface water use.
4. 2021 Safe Harbor – Consistent with Section 2 of this agreement, the Groundwater Users will not be subject to curtailment by the Water District, as long as the provisions of this Term Sheet are met. Consistent with I.C. § 42-5244B, individual groundwater users not in compliance with an approved mitigation plan may be subject to curtailment.

³ Letter from Director Gary Spackman to Brad Little Governor of Idaho and Scott Bedke Speaker of the House dated July 3, 2021, with the subject line "Curtailment of Ground Water Rights in the Bellevue Triangle."

As of July 7, 2021,

Jerry Rigby, Big Wood and Little Wood Water Users Association



Kent Fletcher, Big Wood Canal Company

Lawrence Schoen

Kristy Molyneux, South Valley Ground Water District

Pat McMahon, Galena Ground Water District

As of July 7, 2021,

Jerry Rigby, Big Wood and Little Wood Water Users Association

Kent Fletcher, Big Wood Canal Company

Lawrence Schoen

A handwritten signature in black ink, appearing to read 'Lawrence Schoen', is written over a horizontal line. The signature is stylized and cursive.

Kristy Molyneux, South Valley Ground Water District

Pat McMahon, Galena Ground Water District

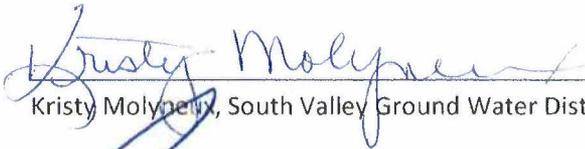
As of July 7, 2021,



Jerry Rigby, Big Wood and Little Wood Water Users Association

Kent Fletcher, Big Wood Canal Company

Lawrence Schoen



Kristy Molyneux, South Valley Ground Water District



Pat McMahon, Galena Ground Water District

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 740.02)

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a 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 received by the Department within this fourteen (14) day period.** The department 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 67-5246(4), Idaho Code.

REQUEST FOR HEARING

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person who is aggrieved by the action of the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action. The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. See section 42-1701A(3), Idaho Code. **Note: The request must be received by the Department within this fifteen (15) day period.**

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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: a) the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.