

**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

**FINAL ORDER CURTAILING GROUND  
WATER RIGHTS JUNIOR TO  
NOVEMBER 27, 1984**

The Director of the Idaho Department of Water Resources (“Department”) finds, concludes, and orders as follows:

**FINDINGS OF FACT**

1. On April 19, 2016, the Director issued the *Fourth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* (“Methodology Order”). The Methodology Order established nine steps for determining material injury to members of the Surface Water Coalition (“SWC”).<sup>1</sup>

2. On December 21, 2021, the Director issued the *Final Order Establishing 2021 Reasonable Carryover (Methodology Step 9)* (“Step 9 Order”). Therein, the Director concluded there is a 16,538 acre-foot (“AF”) volume of material injury to AFRD2’s reasonable carryover and a 48,108 AF volume of material injury to TFCC’s reasonable carryover. *Step 9 Order* at 5. The Director concluded no other members of the SWC have a reasonable carryover shortfall. *Id.*

3. The Director ordered that within fourteen days of December 21, 2021, “junior ground water users holding consumptive water rights within the Eastern Snake Plain Aquifer area of common ground water supply [ESPA ACGWS] bearing priority dates junior to November 27, 1984, must mitigate for their proportionate share of the reasonable carryover shortfall of 64,647 AF in accordance with an approved mitigation plan.” *Id.* at 6. The Director ordered that if such junior ground water users cannot mitigate for their proportionate share of the reasonable carryover shortfall “in accordance with an approved mitigation plan, the Director will issue an order curtailing the junior-priority ground water use.” *Id.*

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<sup>1</sup> The SWC is comprised of A&B Irrigation District (“A&B”), American Falls Reservoir District #2 (“AFRD2”), Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company (“TFCC”).

4. There are currently seven approved mitigation plans in place responding to the SWC delivery call to mitigate for material injury to in-season demand and reasonable carryover:

- 1) Docket No. CM-MP-2009-007 for the benefit of the Idaho Ground Water Appropriators, Inc. (“IGWA”) (delivery of stored water);
- 2) Docket No. CM-MP-2009-006 for the benefit of IGWA (conversions, dry ups, and recharge);
- 3) Docket No. CM-MP-2016-001 for the benefit of IGWA (the IGWA and SWC stipulated mitigation plan);
- 4) Docket No. CM-MP-2010-001 for the benefit of the Southwest Irrigation and Goose Creek Irrigation District (collectively, “SWID”);
- 5) Docket No. CM-MP-2019-001 for the benefit of certain cities commonly referred to as the “Coalition of Cities”;
- 6) Docket No. CM-MP-2015-003 for the benefit of the A&B Irrigation District (“A&B”); and
- 7) Docket No. CM-MP-2007-001 for the benefit of J.R. Simplot Company, Basic American Foods, and ConAgra Foods Packaged Foods Company, Inc., d/b/a Lamb-Weston (collectively, the “Water Mitigation Coalition”) (delivery of stored water).

5. Participants in the mitigation plans approved for IGWA, SWID, the Coalition of Cities, and the Water Mitigation Coalition do not need to establish their ability to mitigate for their proportionate share of the reasonable carryover shortfall. However, due to the nature of A&B’s mitigation plan, A&B must establish, to the satisfaction of the Director its ability to mitigate for its proportionate share of the reasonable carryover shortfall, which is 2,121 AF. *Id.*

### **CONCLUSIONS OF LAW**

1. Idaho Code § 42-602 authorizes the Director to supervise water distribution within water districts:

The director of the department of water resources shall have direction and control of the distribution of water from all natural water sources within a water district to the canals, ditches, pumps and other facilities diverting therefrom. Distribution of water within water districts created pursuant to section 42-604, Idaho Code, shall be accomplished by watermasters as provided in this chapter and supervised by the director. The director of the department of water resources shall distribute water in water districts in accordance with the prior appropriation doctrine. The provisions of chapter 6, title 42, Idaho Code, shall apply only to distribution of water within a water district.

2. As explained above, within fourteen days of December 21, 2021, “junior ground water users holding consumptive water rights within the ESPA ACGWS bearing priority dates junior to November 27, 1984, must mitigate for their proportionate share of the reasonable carryover shortfall of 64,647 AF in accordance with an approved mitigation plan.” *Step 9 Order*

at 6. If a junior ground water user does not establish they can mitigate for their proportionate share of the reasonable carryover shortfall in accordance with an approved mitigation plan the ground water user will be subject to this “order curtailing the junior-priority ground water use.” *Id.*

3. Due to the nature of the approved mitigation plans for SWID, IGWA, the Coalition of Cities, and the Water Mitigation Coalition, these entities do not need to establish that they can mitigate for their proportionate share of the reasonable carryover shortfall. Junior ground water users entitled to the protection of the SWID, IGWA, Coalition of Cities, and the Water Mitigation Coalition mitigation plans will not be subject to curtailment related to the reasonable carryover shortfall. Due to the nature of A&B’s mitigation plan, A&B must establish to the satisfaction of the Director its ability to mitigate for its proportional share of the reasonable carryover shortfall, which is 2,121 AF. *Id.*


4. The Director concludes junior-priority ground water users that have not established mitigation of their proportionate share of the reasonable carryover shortfall in accordance with an approved mitigation plan should be curtailed. Junior-priority ground water users subject to curtailment are listed in Attachment A to this order.

### ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that, at 12:01 a.m. on or before January 13, 2022, ground water users holding water rights bearing priority dates junior to November 27, 1984, within the ESPA ACGWS listed in Attachment A to this order, shall curtail/refrain from diversion and use of ground water pursuant to those water rights unless notified by the Department that the order of curtailment has been modified or rescinded. This order applies to consumptive ground water rights, including but not limited to, agricultural, commercial, industrial, and municipal uses. This order excludes ground water rights used for *de minimis* domestic purposes where such domestic use is within the limits of the definition set forth in Idaho Code § 42-111 and ground water rights used for *de minimis* stock watering where such stock watering use is within the limits of the definitions set forth in Idaho Code § 42-1401A(11), pursuant to IDAPA 37.03.11.020.11.

IT IS FURTHER ORDERED that watermasters for the water districts within the ESPA ACGWS who regulate ground water are directed to review the water rights listed in Attachment A to this order and contact the water right holders in their respective districts to effectuate the curtailment required by this order.

Dated this 11<sup>th</sup> day of January 2022.

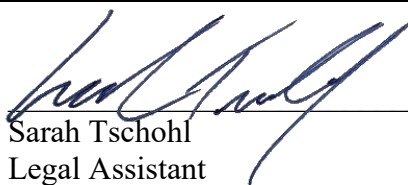
  
GARY SPACKMAN  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of January 2022, a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following:

<p>John K. Simpson          Travis L. Thompson          BARKER ROSHOLT &amp; SIMPSON, LLP          P. O. Box 63          Twin Falls, ID 83303-0063  <a href="mailto:jks@idahowaters.com">jks@idahowaters.com</a>  <a href="mailto:flt@idahowaters.com">flt@idahowaters.com</a>  <a href="mailto:nls@idahowaters.com">nls@idahowaters.com</a>  <a href="mailto:jf@idahowaters.com">jf@idahowaters.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>W. Kent Fletcher          FLETCHER LAW OFFICE          P.O. Box 248          Burley, ID 83318  <a href="mailto:wkf@pmt.org">wkf@pmt.org</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>Randall C. Budge          Thomas J. Budge          RACINE OLSON          P.O. Box 1391          Pocatello, ID 83204-1391  <a href="mailto:rcb@racinelaw.net">rcb@racinelaw.net</a>  <a href="mailto:tjb@racinelaw.net">tjb@racinelaw.net</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>Kathleen Marion Carr          US Dept. Interior          960 Broadway Ste 400          Boise, ID 83706  <a href="mailto:kathleenmarion.carr@sol.doi.gov">kathleenmarion.carr@sol.doi.gov</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>David W. Gehlert          Natural Resources Section          Environment and Natural Resources Division          U.S. Department of Justice          999 18<sup>th</sup> St., South Terrace, Suite 370          Denver, CO 80202  <a href="mailto:david.gehlert@usdoj.gov">david.gehlert@usdoj.gov</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>Matt Howard          US Bureau of Reclamation          1150 N Curtis Road          Boise, ID 83706-1234  <a href="mailto:mhoward@usbr.gov">mhoward@usbr.gov</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>
<p>Sarah A Klahn          Somach Simmons &amp; Dunn          2033 11th Street, Ste 5          Boulder, Co 80302  <a href="mailto:sklahn@somachlaw.com">sklahn@somachlaw.com</a>  <a href="mailto:dthompson@somachlaw.com">dthompson@somachlaw.com</a></p>	<p><input checked="" type="checkbox"/> U.S. Mail, postage prepaid  <input checked="" type="checkbox"/> Email</p>

<p>Rich Diehl  City of Pocatello  P.O. Box 4169  Pocatello, ID 83205  <a href="mailto:rdiehl@pocatello.us">rdiehl@pocatello.us</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p>Candice McHugh  Chris Bromley  MCHUGH BROMLEY, PLLC  380 South 4<sup>th</sup> Street, Suite 103  Boise, ID 83702  <a href="mailto:cbromley@mchughbromley.com">cbromley@mchughbromley.com</a>  <a href="mailto:cmchugh@mchughbromley.com">cmchugh@mchughbromley.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p>Robert E. Williams  WILLIAMS, MESERVY, &amp; LOTHSPREICH, LLP  P.O. Box 168  Jerome, ID 83338  <a href="mailto:rewilliams@wmlattys.com">rewilliams@wmlattys.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p>Robert L. Harris  HOLDEN, KIDWELL, HAHN &amp; CRAPO, PLLC  P.O. Box 50130  Idaho Falls, ID 83405  <a href="mailto:rharris@holdenlegal.com">rharris@holdenlegal.com</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p>Randall D. Fife  City Attorney, City of Idaho Falls  P.O. Box 50220  Idaho Falls, ID 83405  <a href="mailto:rfife@idahofallsidaho.gov">rfife@idahofallsidaho.gov</a></p>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
<p>Tony Olenichak  IDWR—Eastern Region  900 N. Skyline Drive, Ste. A  Idaho Falls, ID 83402  <a href="mailto:Tony.Olenichak@idwr.idaho.gov">Tony.Olenichak@idwr.idaho.gov</a></p>	<input checked="" type="checkbox"/> Email
<p>Corey Skinner  Nathan Erickson  IDWR—Southern Region  1341 Fillmore St., Ste. 200  Twin Falls, ID 83301-3033  <a href="mailto:corey.skinner@idwr.idaho.gov">corey.skinner@idwr.idaho.gov</a>  <a href="mailto:nathan.erickson@idwr.idaho.gov">nathan.erickson@idwr.idaho.gov</a></p>	<input checked="" type="checkbox"/> Email
<p><b>COURTESY COPY TO:</b>  William A. Parsons  PARSONS SMITH &amp; STONE  P.O. Box 910  Burley, ID 83318  <a href="mailto:wparsons@pmt.org">wparsons@pmt.org</a></p>	<input checked="" type="checkbox"/> Email

  
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Sarah Tschohl  
Legal Assistant

Attachment A  
List of Ground Water Rights Subject to Curtailment  
Sorted by Owner

Owner	Water Right No.	Basis	Priority Date	Diversion Rate (cfs)	Usage	Total Acres	Enlargement
AEI CORP	29-8037	License	11/13/1990	0.06	DOMESTIC, INDUSTRIAL		
ANDERSON, CHAD ALLEN; ANDERSON, JASHELLE	45-7650	License	06/21/1989	0.06	DOMESTIC, IRRIGATION	1	
BINGHAM, BOYD A; BINGHAM, SHERRY R	36-8425	License	06/23/1989	0.88	IRRIGATION	105.0	
BRESHEARS JR, ROY D; BRESHEARS, WANDA K	34-14313	License	07/08/1992	0.01	IRRIGATION	1	
BRIGGS, JOYCE; BRIGGS, VAN W	22-7656	License	11/21/1989	0.04	COMMERCIAL		
BROWN, JAN A; BROWN, SID E; MOMBERGER,	31-7510	License	11/14/1988	0.11	DOMESTIC, IRRIGATION, STOCKWATER	2.0	
BURNS, KIRK E; SZIMHARDT, LINDA J	25-7426	License	06/06/1988	0.08	IRRIGATION	5.6	
CARSTENS, JULIUS M J	25-7481	License	12/22/1988	0.04	IRRIGATION	1.4	
CASSIDY, FRANCIS J; HOFFMAN, RICHARD P; MEYER, DAVID DANIEL; MEYER, JENNY CLUFF; TANNER, TOMMY C	25-7638	License	04/25/1995	0.10	DOMESTIC		
CITY OF ROBERTS	35-8712	License	03/10/1989	0.08	WATER QUALITY IMPROVEMENT		
CORDES, RONALD A	25-7488	License	02/14/1989	0.10	DOMESTIC, IRRIGATION	3.0	
COUNTRY LIFE ESTATES WATER USERS ASSN	25-7407	Decreed	04/02/1986	0.19	DOMESTIC		
CRESPO TRUCKING INC	37-8355	License	08/09/1988	0.04	COMMERCIAL, DOMESTIC		
CROMWELL, VERNAL D	25-7446	License	10/21/1988	0.06	DOMESTIC		
CROP PRODUCTION SERVICES	35-8627	Decreed	04/04/1989	0.16	COMMERCIAL		
CROWN OF LIFE LUTHERAN CHURCH	25-7434	License	08/30/1988	0.04	COMMERCIAL		
DANIEL, BRENDA	25-7447	License	10/25/1988	0.02	IRRIGATION	1.0	
DAVIS, ERNIE; DAVIS, RHONDA	35-8814	License	09/05/1989	0.04	COMMERCIAL		
DAYLEY, DEBRA M; DAYLEY, STEVE J	37-21293		04/12/2004	0.08	IRRIGATION	3.0	
DERBYHAWK LLC	25-7553	License	09/27/1989	0.11	DOMESTIC		
EGANS GREEN HOUSE	25-7433	License	07/25/1988	0.04	COMMERCIAL		
FALL RIVER TRADING POST	21-7412	License	03/01/1989	0.04	COMMERCIAL, DOMESTIC		
FERGUSON, DANNY G; FERGUSON, MARCENE M	25-7599	License	09/25/1991	2.28	IRRIGATION	118.0	
FOUR SQUARE WATER WELL CORP	25-7327	Decreed	02/04/1985	0.16	DOMESTIC, IRRIGATION	3.0	
FOX WAREHOUSE LLC	25-7424	License	04/01/1988	0.09	IRRIGATION	3.0	
GOLDEN VALLEY DEVELOPMENTS	22-7805	License	02/16/1999	0.39	DOMESTIC		
GOLDEN VALLEY MEAT LLC	35-8710	License	03/08/1989	0.94	COMMERCIAL		
GONZALES, FERNANDO B; GONZALES, IRENE H	29-7984	Decreed	04/23/1990	0.03	IRRIGATION	8.0	
HANEY SEED CO	45-7639	License	03/30/1989	0.04	COMMERCIAL		
HANSEN, WILLIAM KORBY	25-7458	License	11/08/1988	0.09	DOMESTIC, IRRIGATION	1.7	
HASLAM, LAVORE	35-8629	License	04/08/1986	0.06	DOMESTIC, STOCKWATER		
HEYBURN ESTATES LLC	36-17185	License	12/22/1995	0.05	DOMESTIC		

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HIGH STONE GRAVEL LLC	25-14325		11/29/2010	1.00	COMMERCIAL, INDUSTRIAL		
HINCKLEY, LA PREAL	25-14005	License	10/12/2003	0.06	IRRIGATION	3.0	
HOBBS, LAURA LEE	25-7540	License	08/18/1989	0.10	DOMESTIC		
HOLM FARMS INC	35-8763	License	05/17/1989	0.06	COMMERCIAL, DOMESTIC		
HOOPER, LLOYD C	25-7531	License	10/22/1989	0.04	COMMERCIAL		
HUNTING, AUDREY	25-7453	License	10/28/1988	0.03	IRRIGATION	1.0	
IDAHO PACIFIC CORP	25-7475	Decreed	12/06/1988	0.93	INDUSTRIAL		
IDAHOAN FOODS INC	25-7471	License	11/07/1988	0.12	IRRIGATION	4.0	
JANSSEN, KARLEEN A	25-12143	Decreed	02/08/1985	0.04	COMMERCIAL		
JEFFERSON COUNTY	25-14281	License	09/09/2010	0.65	COMMERCIAL		
JEFFERSON SCHOOL DISTRICT #251	35-8683	License	12/02/1988	0.02	INDUSTRIAL		
JEFFERSON SCHOOL DISTRICT #251	25-7469	License	01/22/1989	0.14	IRRIGATION	7.0	
JEFFERSON SCHOOL DISTRICT #251	25-7472	License	01/23/1989	0.07	DOMESTIC		
JEFFERSON SCHOOL DISTRICT #251	25-7473	License	01/23/1989	0.07	DOMESTIC		
JENCO ACRES WATER BOARD ASSN	25-7454	License	11/14/1988	0.50	DOMESTIC, IRRIGATION	33.0	
JEROME COUNTY ROD & GUN CLUB	36-8620	License	11/14/1991	0.02	COMMERCIAL, IRRIGATION	0.5	
JOHN, GLORIA; JOHN, KIT M	37-8346	License	06/21/1988	0.03	COMMERCIAL		
JOHNSON, DON A; JOHNSON, LAURIE	25-7493	License	03/08/1989	0.06	DOMESTIC		
JOHNSON, MELISSA	25-7455	License	10/21/1988	0.07	DOMESTIC, IRRIGATION	1.0	
JUNIPER & CEDAR ESTATES WATER ASSN	25-7432	License	07/19/1988	0.24	DOMESTIC, IRRIGATION	5.0	
KERBS OIL CO INC	45-7643	License	05/19/1989	0.04	COMMERCIAL		
KERBS OIL CO INC	45-7644	License	05/22/1989	0.04	COMMERCIAL		
KOON, JACK E	22-7751	License	09/18/1992	0.06	DOMESTIC		
LAMBERT, R J	35-8670	License	09/14/1988	0.04	COMMERCIAL		
LAZY EIGHT ESTATES DIVISION 2 HOMEOWNERS	25-14189	License	10/26/2006	0.50	DOMESTIC		
LEE, MARTIN R	36-8410	License	02/10/1989	0.03	COMMERCIAL		
LORDS, DARRELL M	35-8778	License	05/31/1989	0.10	IRRIGATION	4.5	
LOVELL, HOPE; LOVELL, JAMES R	25-7598	License	09/25/1991	0.03	IRRIGATION	1.9	
M & B INVESTMENTS LLC	25-14379	License	08/13/2012	0.39	DOMESTIC		
MARSHALL, DON W	25-7462	License	11/10/1988	0.07	DOMESTIC, IRRIGATION	1.0	
MC COWIN, BRENDA	25-7544	License	08/16/1989	0.07	DOMESTIC		
MC GARRY, LOGAN PHILLIPS; MC GARRY,	35-14685	License	07/29/1991	0.58	IRRIGATION	29.0	
MILLER, CHARLES; MILLER, RACHEL	25-7442	License	09/08/1988	0.05	DOMESTIC, IRRIGATION	1.0	
MITCHELL, RALPH M	45-7640	License	05/23/1989	0.07	DOMESTIC, IRRIGATION	1.5	
MORGAN, CODY G; MORGAN, KATHY J	36-17090	License	03/10/1992	0.02	COMMERCIAL, STOCKWATER		

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MORRIS, JUDITH L; MORRIS, VIRGIL R	25-7483	License	12/22/1988	0.04	DOMESTIC, IRRIGATION, STOCKWATER	3.0	
MOUNTAIN VIEW COURT LLC	21-7428	License	03/23/1989	0.09	COMMERCIAL		
MOUNTAIN WEST BARK PRODUCTS INC	22-7573	License	08/08/1988	0.08	COMMERCIAL		
NEIBAUR, RYAN	25-7561	License	03/02/1990	4.00	IRRIGATION	360.5	
NELSEN DAIRY	36-8745	License	11/07/1995	0.11	COMMERCIAL, STOCKWATER		
NEST EGG INVESTMENTS LLC	25-14417	License	02/28/1992	0.02	IRRIGATION	1.0	
NEST EGG INVESTMENTS LLC	25-14419		10/23/2014	0.25	DOMESTIC, IRRIGATION	1.0	
R C WILLEY HOME FURNISHINGS	35-14596		05/25/2018	0.78	COMMERCIAL		
RHODEHOUSE, KEVIN	35-8659	License	10/15/1987	0.15	COMMERCIAL, STOCKWATER		
RINDFLEISCH, JAMES A	34-7511		06/12/1989	1.85	IRRIGATION	92.4	
ROLLING HILLS DEVELOPMENT	35-13522	License	11/18/2004	0.35	DOMESTIC		
ROSEBOROUGH, ZITA I	21-7416	License	03/09/1989	0.06	DOMESTIC		
ROYCE, DAN; ROYCE, JO ANNE	36-8609	License	10/21/1991	0.02	DOMESTIC, IRRIGATION, STOCKWATER	2.5	
SCHREINER FARMS IDAHO LLC	35-8951	License	07/29/1991	0.88	IRRIGATION	44.0	
SHURTLIFF, MERLENE; SHURTLIFF, RODNEY	35-8855	License	09/07/1989	0.08	DOMESTIC, STOCKWATER		
SILVER CREEK DISTILLERS INC	25-7194	License	12/01/1988	0.11	INDUSTRIAL		
SOUTH PARK ESTATES WATER & SEWER	27-7581	License	10/21/1997	0.69	DOMESTIC, FIRE PROTECTION		
SPENCER, GLEN D	36-8536	License	04/12/1990	0.03	DOMESTIC, IRRIGATION	1.0	
STATE OF IDAHO	35-8625	License	01/13/1986	0.06	DOMESTIC		
STATE OF IDAHO	37-7372	License	06/30/1999	6.40	IRRIGATION, STOCKWATER	287.0	
STEWART, DORIS; STEWART, K CLYDE	22-7540	License	08/10/1988	0.04	IRRIGATION	2.0	
TYLER, ALDON	25-7542	License	07/14/1989	0.06	DOMESTIC		
UNITED STATES OF AMERICA ACTING THROUGH	34-14459		08/26/2014	0.15	STOCKWATER, WILDLIFE		
US DEPT OF AGRICULTURE	31-12339		08/04/2014	0.02	STOCKWATER		
VALLEY WIDE COOP INC	22-7622	License	12/30/1988	0.03	COMMERCIAL, DOMESTIC		
VAN ORDEN, JAY; VAN ORDEN, SHELLI	35-8713	License	04/01/1989	0.02	COMMERCIAL		
WADE, NANCY; WADE, RONALD	25-7425	License	06/06/1988	0.05	DOMESTIC, IRRIGATION	1.0	
WAGNER JR, EDWARD P; WAGNER, KRISTIE L	35-8856	Decreed	08/11/1989	0.10	DOMESTIC, STOCKWATER		
WALTERS, BRUCE A; WALTERS, MARCEY L	25-7596	License	06/26/1991	0.15	DOMESTIC, IRRIGATION	10.0	
WARD, OPAL M; WARD, OWEN K	35-8892	License	03/28/1990	0.18	DOMESTIC		
WHITWORTH, BOYD	45-7638	License	03/10/1989	0.06	INDUSTRIAL		
WILD WEST PROPERTIES LLC	35-13955		07/22/2009	0.69	MUNICIPAL		
WILLMORE, JUDY	31-7551	License	08/26/1991	0.04	COMMERCIAL		
WILSON, JOHN CHARLES	29-7916	License	03/20/1990	0.09	IRRIGATION	4.5	
WOODVILLE WATER & SEWER DISTRICT	35-14562		12/11/2017	0.37	DOMESTIC		



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Owner	Water Right No.	Basis	Priority Date	Diversion Rate (cfs)	Usage	Total Acres	Enlargement
WRIGHT, LISA; WRIGHT, SCOTT	25-7461	License	01/21/1989	0.09	IRRIGATION	3.0	
YOUNG, JUDY D; YOUNG, KENNETH A	25-7436	License	09/14/1988	0.03	IRRIGATION	1.5	
ZUNDEL, JACOB; ZUNDEL, SHALIECE	25-14457	License	02/28/1992	0.02	IRRIGATION	1.1	

## **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.