

**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 MAY 31, 1989**

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 November 30, 2022, the Director issued the *Final Order Establishing 2022 Reasonable Carryover (Methodology Step 9)* (“Step 9 Order”). Therein, the Director concluded there is a 38,255 acre-foot (“AF”) volume of material injury to AFRD2’s reasonable carryover and a 11,054 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 November 30, 2022, “junior ground water users holding consumptive water rights within the Eastern Snake Plain Aquifer area of common ground water supply bearing priority dates junior to May 31, 1989, must mitigate for their proportionate share of the reasonable carryover shortfall of 49,309 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.*

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:

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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”).

- 1) 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);
- 2) Docket No. CM-MP-2009-006 for the benefit of the Idaho Ground Water Appropriators, Inc. (“IGWA”) (conversions, dry ups, and recharge);
- 3) Docket No. CM-MP-2009-007 for the benefit of IGWA (delivery of stored water);
- 4) Docket No. CM-MP-2010-001 for the benefit of the Southwest Irrigation and Goose Creek Irrigation Districts (collectively, “SWID”);
- 5) Docket No. CM-MP-2015-003 for the benefit of the A&B Irrigation District (“A&B”);
- 6) Docket No. CM-MP-2016-001 for the benefit of IGWA (the IGWA and SWC stipulated mitigation plan); and
- 7) Docket No. CM-MP-2019-001 for the benefit of certain cities commonly referred to as the “Coalition of Cities”, the City of Idaho Falls, and the City of Pocatello (collectively, the “Coalition of Cities”).

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 2,542 AF. *Id.* at 6 n.10.<sup>2</sup>

## 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.

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<sup>2</sup> On December 13, 2022, A&B submitted a letter responding to the Step 9 Order, in which it states an “intent to continue to curtail the enlargement water rights (2,063 acres) for the 2023 irrigation season.” To ensure that A&B’s enlargement water rights are curtailed for the 2023 season, the Director will place the enlargement water rights on the curtailment list in Attachment A to this order.

2. As explained above, within fourteen days of November 30, 2022, “junior ground water users holding consumptive water rights within the Eastern Snake Plain Aquifer area of common ground water supply bearing priority dates junior to May 31, 1989, must mitigate for their proportionate share of the reasonable carryover shortfall of 49,309 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 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 2,542 AF. *Id.* at 6 n.10.

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 December 15, 2022, ground water users holding water rights bearing priority dates junior to May 31, 1989, within the Eastern Snake Plain Aquifer area of common ground water supply (“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 14<sup>th</sup> day of December 2022.

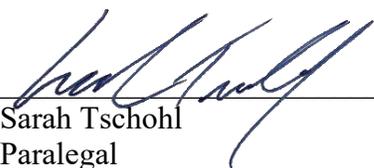
  
GARY SPACKMAN  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of December 2022, I served a true and correct copy of the foregoing, *Final Order Curtailing Ground Water Rights Junior to May 31, 1989*, by the method indicated below, upon 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:tlt@idahowaters.com">tlt@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:randy@racineolson.com">randy@racineolson.com</a>  <a href="mailto:ti@racineolson.com">ti@racineolson.com</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          1155 Canyon Blvd., Ste. 110          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  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></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  
Paralegal

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

Owner	Water Right No.	Basis	Priority Date	Beneficial Water Use	Diversion Rate	Total Acres	Enlargement
2K FARMS	35-8766	License	6/1/1989	COMMERCIAL, DOMESTIC	0.020		
A & B IRRIGATION DISTRICT/ US BUREAU OF RECLAMATION	36-15127B	Decreed	4/1/1984	IRRIGATION	28.890		Y
A & B IRRIGATION DISTRICT/ US BUREAU OF RECLAMATION	36-15196B	Decreed	4/1/1981	IRRIGATION	0.080		Y
A & B IRRIGATION DISTRICT/ US BUREAU OF RECLAMATION	36-15195B	Decreed	4/1/1978	IRRIGATION	2.240		Y
A & B IRRIGATION DISTRICT/ US BUREAU OF RECLAMATION	36-15194B	Decreed	4/1/1968	IRRIGATION	2.510		Y
A & B IRRIGATION DISTRICT/ US BUREAU OF RECLAMATION	36-15193B	Decreed	4/1/1965	IRRIGATION	0.310		Y
AEI CORP	29-8037	License	11/13/1990	DOMESTIC, INDUSTRIAL	0.060		
AGRICULTURAL SERVICES INC	35-8857	License	9/6/1989	COMMERCIAL	0.040		
ANDERSON, CHAD ALLEN; ANDERSON, JASHELLE HEATHER	45-7650	License	6/21/1989	DOMESTIC, IRRIGATION	0.060	1.0	
ATKINSON, ANDREW; ATKINSON, MARY	29-13736	License	2/21/2006	DOMESTIC	0.080		
B & F DISTRIBUTING CO	25-7555	License	10/12/1989	COMMERCIAL	0.040		
BARTLETT, ERWIN; BARTLETT, JANICE	45-7653	License	6/6/1989	COMMERCIAL	0.040		
BINGHAM, BOYD A; BINGHAM, SHERRY R	36-8425	License	6/23/1989	IRRIGATION	0.880	105.0	
BINGHAM, JERRYD; BINGHAM, VALERIE H	35-12226	Decreed	4/1/1987	IRRIGATION	0.590	285.0	Y
BRIGGS, JOYCE; BRIGGS, VAN W	22-7656	License	11/21/1989	COMMERCIAL	0.040		
BRINKMANN, GEORGE	35-8893	License	3/29/1990	COMMERCIAL	0.010		
BRP INC	25-14504		10/12/2021	DOMESTIC	0.260		
BRP INC	25-7622	License	9/23/1998	DOMESTIC	0.230		
BRUMFIELD, DALE	35-13320	License	8/7/2001	DOMESTIC	0.100		
BURDETTE INC	25-7532	License	9/20/1989	COMMERCIAL	0.040		
BURNS CONCRETE INC	25-13982	License	12/18/2002	COMMERCIAL	3.530		
BURRELL, GEORGE W; BURRELL, LURANA J; RODRIQUEZ, FABIAN	29-13900	License	4/3/2009	DOMESTIC	0.080		
CASSIDY, FRANCIS J; HOFFMAN, RICHARD P; MEYER, DAVID DANIEL; MEYER, JENNY CLUFF; TANNER, TOMMY C	25-7638	License	4/25/1995	DOMESTIC	0.100		
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS	22-13745	License	7/23/2007	DOMESTIC	0.110		
COUNTRY CLUB ESTATES WATER ASSN INC	36-8607	License	11/18/1991	DOMESTIC, FIRE PROTECTION, STOCKWATER	0.500		
COUNTRY CLUB WATER	25-14448	Decreed	10/31/1986	IRRIGATION	0.010	18.7	Y
COUNTY OF JEFFERSON	25-13985	License	5/13/2003	RECREATIONSTORAGE			
CRM CO	25-7554	License	9/8/1989	COMMERCIAL	0.040		
DANCE, DAVID P; DANCE, KARAN D	35-8822	License	7/3/1989	COMMERCIAL	0.010		
DANIEL, MELVIN R JR	25-7538	License	9/19/1989	COMMERCIAL	0.070		
DAVIS, ERNIE; DAVIS, RHONDA	35-8814	License	9/5/1989	COMMERCIAL	0.040		
DEMOTT, WILLIAM J; GROVER, LAVAR; RIGBY, WILLIAM F	25-7537	License	9/20/1989	COMMERCIAL	0.080		
DERBYHAWK LLC	25-7553	License	9/27/1989	DOMESTIC	0.110		
DREW, STAN	29-8237	License	4/17/2000	DOMESTIC	0.110		
EAMES, LINDAJ	25-7643	License	12/4/1995	DOMESTIC	0.180		
EVANS GRAIN & ELEVATOR CO	35-8848	License	11/6/1989	COMMERCIAL	0.040		
FARFAN-CEJA, CASTULO; JUAREZ, ARTEMIO; JUAREZ, GUADALUPE	36-15565	License	2/5/2001	DOMESTIC	0.080		
FERGUSON, DANNY G; FERGUSON, MARCENE M	25-7599	License	9/25/1991	IRRIGATION	2.280	118.0	
FOSTER FAMILY FARMS INC	35-8773	License	6/7/1989	COMMERCIAL, DOMESTIC	0.040		
FOSTER FAMILY FARMS INC	35-8774	License	6/20/1989	COMMERCIAL	0.040		
GARNER, KAYR; GARNER, LESLIE	35-14288	License	11/13/2012	COOLING, HEATING	0.040		
GILLEN, NORMAN	27-7585	License	4/20/1999	DOMESTIC	0.140		
GOLDEN VALLEY DEVELOPMENTS	22-7805	License	2/16/1999	DOMESTIC	0.390		
GONZALES, FERNANDO B; GONZALES, IRENE H	29-7984	Decreed	4/23/1990	IRRIGATION	0.030	8.0	
HART, BOB; HART, MELANIE	25-7520	License	10/16/1989	COMMERCIAL	0.040		
HENDRICKS, TERRY	22-13913	License	1/20/2009	DOMESTIC	0.170		
HERITAGE DEVELOPMENT	29-8173	License	7/19/1996	DOMESTIC	0.270		
HINCKLEY, LAPREAL	25-14005	License	10/12/2003	IRRIGATION	0.060	3.0	
HOBBS, LAURALEE	25-7540	License	8/18/1989	DOMESTIC	0.100		
HOOPER, LLOYDC	25-7531	License	10/22/1989	COMMERCIAL	0.040		
HOPE, DENNIS K	22-7784	License	5/24/1995	DOMESTIC	0.110		
HOPE, DENNIS K	22-7764	License	11/3/1993	DOMESTIC	0.150		

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

Owner	Water Right No.	Basis	Priority Date	Beneficial Water Use	Diversión Rate	Total Acres	Enlargement
HUNSTMANS PROPERTIES	27-7511	License	4/20/1990	COMMERCIAL	0.330		
IDAHO POTATO PACKERS CORP	35-8909	License	8/3/1990	COMMERCIAL	0.010		
IDAHO POWER CO	45-7669	License	1/9/1990	DOMESTIC	0.060		
IDAHO POWER COMPANY	36-17184		4/9/2021	DOMESTIC, FIRE PROTECTION	0.120		
INTERSTATE MFG	36-8454	License	9/14/1989	COMMERCIAL	0.040		
JEFFERSON COUNTY	25-14281	License	9/9/2010	COMMERCIAL	0.650		
JEROME COUNTY ROD & GUN CLUB	36-8620	License	11/14/1991	COMMERCIAL, IRRIGATION	0.020	0.5	
JOURNEYS END HOMEOWNERS ASSN	35-13611	License	1/13/2007	COMMERCIAL, DOMESTIC	0.110		
JOURNEYS END HOMEOWNERS ASSN	35-13612	License	11/24/2003	DOMESTIC	0.400		
KARE YLANE WELL ASSN	35-8943	License	5/3/1991	DOMESTIC	0.090		
KEY BANK NATIONAL ASSOC	25-7517	License	8/24/1989	COMMERCIAL	0.500		
KING, FERRIL; KING, RENE	36-8440	License	9/7/1989	COMMERCIAL	0.020		
KOON, JACK E	22-7751	License	9/18/1992	DOMESTIC	0.060		
LAZY EIGHT ESTATES DIVISION 2 HOMEOWNERS ASSN INC	25-14189	License	10/26/2006	DOMESTIC	0.500		
LOVELL, HOPE; LOVELL, JAMES R	25-7598	License	9/25/1991	IRRIGATION	0.030	1.9	
M&B INVESTMENTS LLC	25-14379	License	8/13/2012	DOMESTIC	0.390		
M&B INVESTMENTS LLC	25-14163	License	12/9/2004	DOMESTIC	0.300		
MASONS	35-8828	License	7/28/1989	COMMERCIAL	0.040		
MCCOWIN, BRENDA	25-7544	License	8/16/1989	DOMESTIC	0.070		
MERRILL, KENT	25-14364	License	2/28/1992	IRRIGATION	0.190	12.2	
MOUNTAIN RIVER SPORTSMANS RV PARK & CAMP	25-14229	License	9/2/2008	COMMERCIAL	0.200		
MUD LAKE WATER USERS INC	31-12447	License	11/2/2018	COMMERCIAL	0.040		
NEIBAUR, RYAN	25-7561	License	3/2/1990	IRRIGATION	4.000	360.5	
NELSEN DAIRY	36-8745	License	11/7/1995	COMMERCIAL, STOCKWATER	0.110		
NEW PHASE INVESTMENTS LLC	25-14186	License	9/18/2006	COMMERCIAL	0.050		
PACIFICORP	25-14431	License	2/19/2016	WATERQUALITYIMPROVEMENT	0.470		
PARKINSON FARMS	34-10393	Decreed	5/1/1976	IRRIGATION	0.260	306.0	Y
PINSON, JANICE	25-14182	License	3/24/2006	COMMERCIAL	0.200		
POULSON, DUANEL	35-8767	License	6/9/1989	COMMERCIAL	0.010		
QUALITY INSULATION & CONSTRUCTION INC	25-7539	License	8/18/1989	COMMERCIAL	0.040		
QUINTON, BERNADENE L; QUINTON, RAY E	25-7536	License	9/18/1989	COMMERCIAL	0.020		
RC WILLEY HOME FURNISHINGS	35-14596		5/25/2018	COMMERCIAL	0.780		
RICHAN, CLYDE L; RICHAN, ELVERA L	36-8486	License	9/19/1989	COMMERCIAL, DOMESTIC	0.030		
RIM ROCK LEASING LLC	36-8512	License	2/27/1990	COMMERCIAL	0.020		
RINDFLEISCH, JAMES A	34-7511		6/12/1989	IRRIGATION	1.850	92.4	
RIVERBEND ESTATES	29-8015	License	6/22/1990	DOMESTIC	0.250		
RURAL ELECTRIC CO	36-8435	License	8/11/1989	COMMERCIAL	0.040		
SCHREINER FARMS IDAHO LLC	35-8951	License	7/29/1991	IRRIGATION	0.880	44.0	
SHURTLIFF, MERLENE; SHURTLIFF, RODNEY	35-8855	License	9/7/1989	DOMESTIC, STOCKWATER	0.080		
SMITH, JOAN; SMITH, SCOTT	34-14313	License	7/8/1992	IRRIGATION	0.010	1.0	
SOUTH PARK ESTATES WATER & SEWER	27-7581	License	10/21/1997	DOMESTIC, FIREPROTECTION	0.690		
STANGER, MARILYN	25-7541	License	7/12/1989	COMMERCIAL	0.020		
STATE OF IDAHO	37-7372	License	6/30/1999	IRRIGATION, STOCKWATER	6.400	287.0	
STORER, BETTY; STORER, GALE	25-7530	License	8/28/1989	COMMERCIAL	0.040		
SUMMERS, RICHARD K; SUMMERS, STELLA F	25-7518	License	8/24/1989	COMMERCIAL, DOMESTIC	0.080		
SUNROC PARK WATER ASSN INC	25-14170	License	6/20/2005	DOMESTIC	0.050		
THOMPSON, HOWARD M	25-7508	License	6/19/1989	DOMESTIC, STOCKWATER	0.110		
TLC DEVELOPMENT LLC	25-14494		6/4/2021	DOMESTIC	0.230		
TYLER, ALDON	25-7542	License	7/14/1989	DOMESTIC	0.060		
US DEPT OF INTERIOR BLM	36-17049		5/22/2015	STOCKWATER, WILDLIFE	0.020		
US DEPT OF INTERIOR BLM	34-14459		8/26/2014	STOCKWATER, WILDLIFE	0.150		
US DEPT OF INTERIOR BLM	21-13032	License	2/24/2006	STOCKWATER, WILDLIFE	0.020		
US DEPT OF INTERIOR BLM	36-8726		4/28/1994	STOCKWATER, WILDLIFE	0.120		

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Sorted by Owner

Owner	Water Right No.	Basis	Priority Date	Beneficial Water Use	Diversion Rate	Total Acres	Enlargement
US DEPT OF INTERIOR BLM	21-7517	License	2/27/1992	STOCKWATER, WILDLIFE	0.070		
VALLEY SCHOOL DISTRICT #262	36-16299	License	9/22/2004	DOMESTIC, FIRE PROTECTION	1.520		
VALLEY VIEW HEIGHTS SUBDIVISION WATER CO	25-13986	License	6/16/2003	DOMESTIC	0.080		
VERBREE LAND HOLDINGS LLC	36-8609	License	10/21/1991	DOMESTIC, IRRIGATION, STOCKWATER	0.020	2.5	
WAGNER JR, EDWARD P; WAGNER, KRISTIE L	35-8856	Decreed	8/11/1989	DOMESTIC, STOCKWATER	0.100		
WALKER, YOUNG HARVEY	34-10473	Decreed	8/10/1977	IRRIGATION	0.360	190.0	Y
WALL, DIANA R; WALL, LARRY G	36-8451	License	9/28/1989	COMMERCIAL	0.020		
WALTERS, BRUCE A; WALTERS, MARCEY L	25-7596	License	6/26/1991	DOMESTIC, IRRIGATION	0.150	10.0	
WARD, OPAL M; WARD, OWEN K	35-8892	License	3/28/1990	DOMESTIC	0.180		
WHEELER, DEE RAY; WHEELER, LINDA	36-8488	License	10/10/1989	COMMERCIAL	0.030		
WILLMORE, JUDY	31-7551	License	8/26/1991	COMMERCIAL	0.040		
WILSON, JOHN CHARLES	29-7916	License	3/20/1990	IRRIGATION	0.090	4.5	
WOODVILLE WATER & SEWER DISTRICT	35-14562		12/11/2017	DOMESTIC	0.370		
WRIDE FARMS	35-8949		8/26/1991	IRRIGATION	3.000	150.0	
ZUNDEL, JACOB; ZUNDEL, SHALIECE	25-14457	License	2/28/1992	IRRIGATION	0.020	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.