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 **ORDER REVISING APRIL 2025 FORECAST SUPPLY AND CONTINUING MAY 16, 2025 CURTAILMENT ORDER** ***(METHODOLOGY STEPS 5 & 6)***

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

FINDINGS OF FACT

A. Background

1. On July 19, 2023, the Department issued its *Sixth 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"). This order applies Steps 5 and 6 of the *Methodology Order*.

2. Step 5 of the *Methodology Order* addresses the final injury determination to reasonable carryover for members of the SWC. Step 5 states:

> If the storage allocations held by members of the SWC fill, there is no reasonable carryover shortfall. If the storage allocations held by members of the SWC do not fill, within fourteen (14) days following the publication of Water District 01's initial storage report . . . the volume of water secured by junior ground water users to fulfill the reasonable carryover shortfall shall be made available to injured members of the SWC.

Methodology Order, at 43. On November 29, 2024, the Director issued the *Final Order Establishing 2024 Reasonable Carryover* (*Methodology Step 9*) ("*2024 Step 9 Order*") establishing a reasonable carryover shortfall of 44,900 acre-feet. Junior ground water users were given 14 days to provide a volume of water to fulfill the carryover shortfall. No water users secured water. While the SWC's storage allocation did not fill this year, because no water users secured water in 2024 to fulfill the carryover shortfall, there is no volume of water to be made available to the SWC under Step 5.

3. Step 6 of the *Methodology Order* states:

> Approximately halfway through the irrigation season, but following the events described in Step 5, the Director will, for each member of the SWC: (1) recalculate RISD [Reasonable In-Season Demand]; (2) issue a revised FS [Forecast Supply]; and (3) estimate the Time of Need date.

Methodology Order, at 43 (footnote omitted).

4. On April 16, 2025, the Director issued his *Final Order Regarding April 2025 Forecast Supply (Methodology Steps 1 – 3)* ("*April Forecast Supply Order*"). The *April Forecast Supply Order* predicted a demand shortfall to the SWC of 63,000 acre-feet for the 2025 irrigation season. *April Forecast Supply Order*, at 3. At that time, the only member of the SWC predicted to experience material injury during the 2025 irrigation season was Twin Falls Canal Company ("TFCC"). *Id.* The Director ordered that, on or before May 1, 2025, ground water users with consumptive water rights "junior to August 28, 1955, within the Eastern Snake Plain Aquifer area of common ground water supply shall establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted April IDS [in-season demand shortfall] of 63,000 acre-feet in accordance with an approved mitigation plan." *Id.* at 6. The Director also ordered that, "[i]f a junior ground water user cannot establish . . . that they can mitigate for their proportionate share of the predicted April IDS in accordance with an approved mitigation plan, the Director will issue an order curtailing the junior-priority ground water user." *Id.*

5. On May 16, 2025, the Director issued a *Final Order Curtailing Ground Water Rights Junior to August 28, 1955* ("*Curtailment Order*"). The Director ordered that:

> [E]ffective May 31, 2025, ground water users holding water rights bearing priority dates junior to August 28, 1955, within the ESPA ACGWS [Eastern Snake Plain Aquifer area of common ground water supply], and 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 as to their water rights.

Curtailment Order, at 4.

B. April through June Changing Water Supply Conditions and Climate

6. The April 2025 Joint Forecast prepared by the United States Army Corps of Engineers ("USACE") and the United States Bureau of Reclamation ("BOR") predicted 3,380,000 acre-feet of unregulated inflow at the Snake River near Heise gage for the period April–July 2025, which equates to 102% of the 1991–2020 average. *April Forecast Supply Order*, at 2. The Joint Forecast "is generally as accurate a forecast as is possible using current data gathering and forecasting techniques." *Methodology Order*, at 19.

7. The June 2025 Joint Forecast prepared by the USACE and the BOR predicted 1,350,000 acre-feet of unregulated inflow at the Snake River near Heise gage for the period June–July 2025, which equates to 75% of the 1991–2020 average. The June forecast represents a decrease in the forecast runoff compared to the 1991–2020 average.

8. The April through June precipitation was below average, while the April through June temperature was above average. According to data measured at the Natural Resources Conservation Service's SNOTEL sites in the Upper Snake River Basin, the basin received 73%, 75%, and 18% of average precipitation in April, May, and June, respectively. The National Weather Service's Twin Falls weather station reported 9%, 38%, and 0% of normal precipitation in April, May, and June, respectively. Twin Falls temperatures were 2.5, 3.8, and 3.4 degrees above normal for April, May, and June, respectively.[1]

C. Reasonable In-Season Demand

9. RISD "is the projected annual diversion volume for each SWC entity during the year of evaluation that is attributable to the projected beneficial use of growing crops within the service area of the entity." *Methodology Order*, at 13. In April, the demand from the 2018 baseline year ("BLY") defines the RISD. *Id.* at 17. During the irrigation season, the RISD for the completed portion of the irrigation season is recalculated by dividing the actual crop water need ("CWN") for each entity by the project efficiency for that entity. *Id.* at 17, 43. For the remainder of the irrigation season, the RISD is the demand defined by the July–October 2018 BLY. RISD is calculated on a monthly time step.

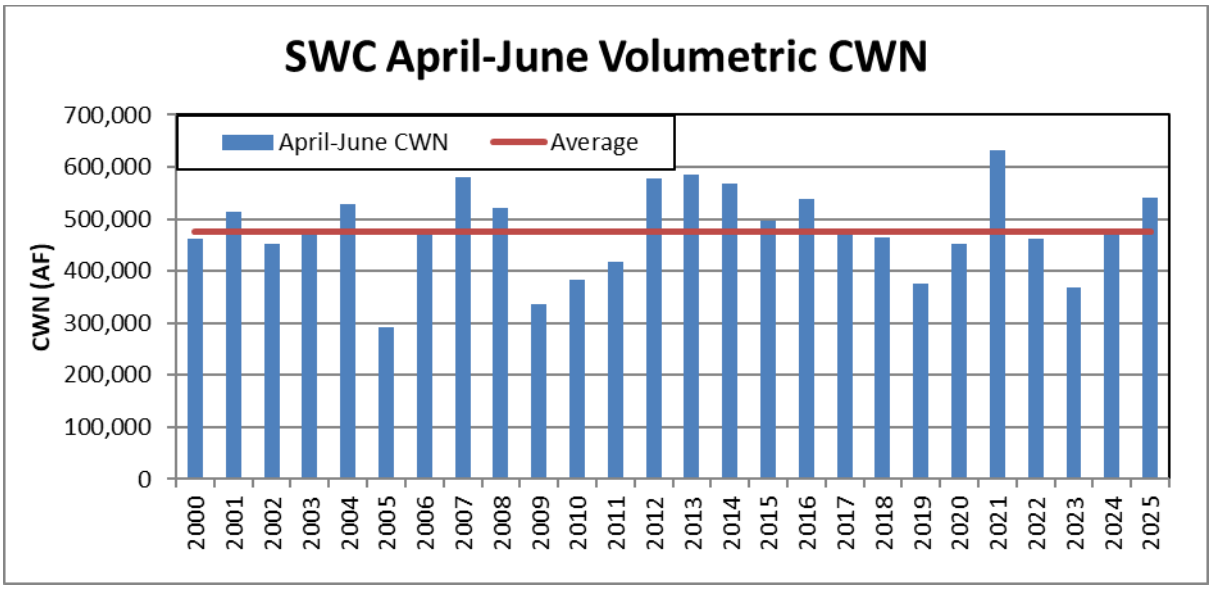
i. Crop Water Need

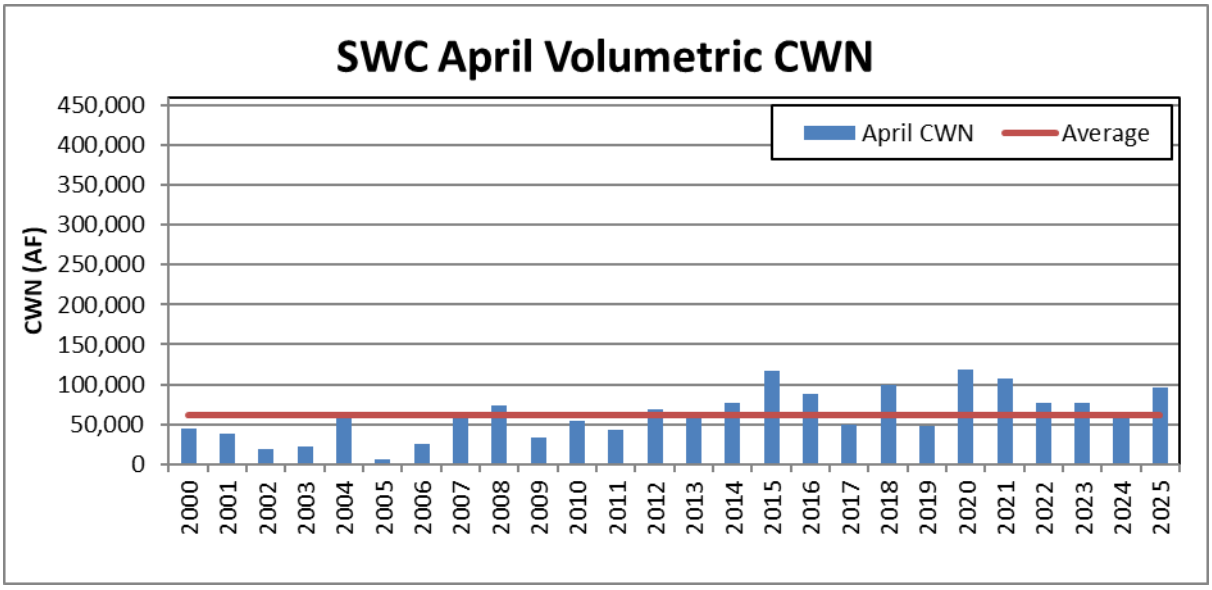
10. "CWN is the volume of irrigation water required for crop growth within a SWC entity boundary, such that crop growth is not limited by water availability." *Methodology Order*, at 15. "CWN is the difference between the fully realizable consumptive use associated with crop growth, or ET [evapotranspiration], and effective precipitation . . . ." *Id.*

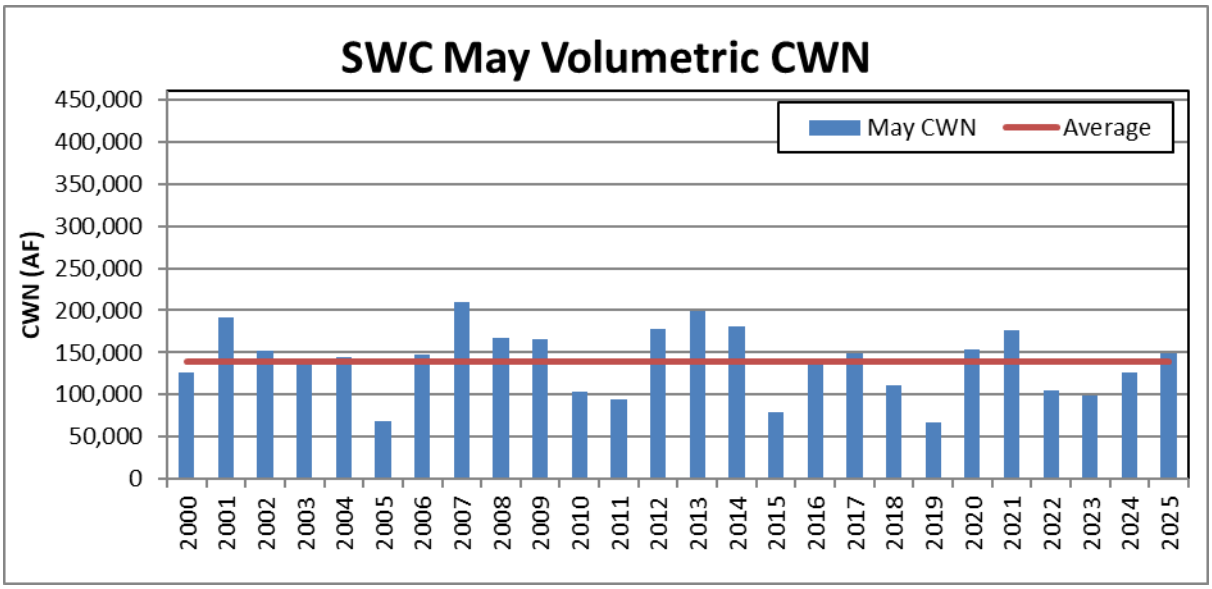
11. CWN is an input variable for calculating RISD for the completed portion of the irrigation season. *Id.* at 17. Actual RISD for the completed portion of the irrigation season is combined with monthly predicted baseline demands for the remaining months of the irrigation season to calculate a season-total RISD volume. *Id.* at 17–18. In-season demand shortfall is then calculated as the difference between the adjusted FS and the RISD. *Id.* at 23.

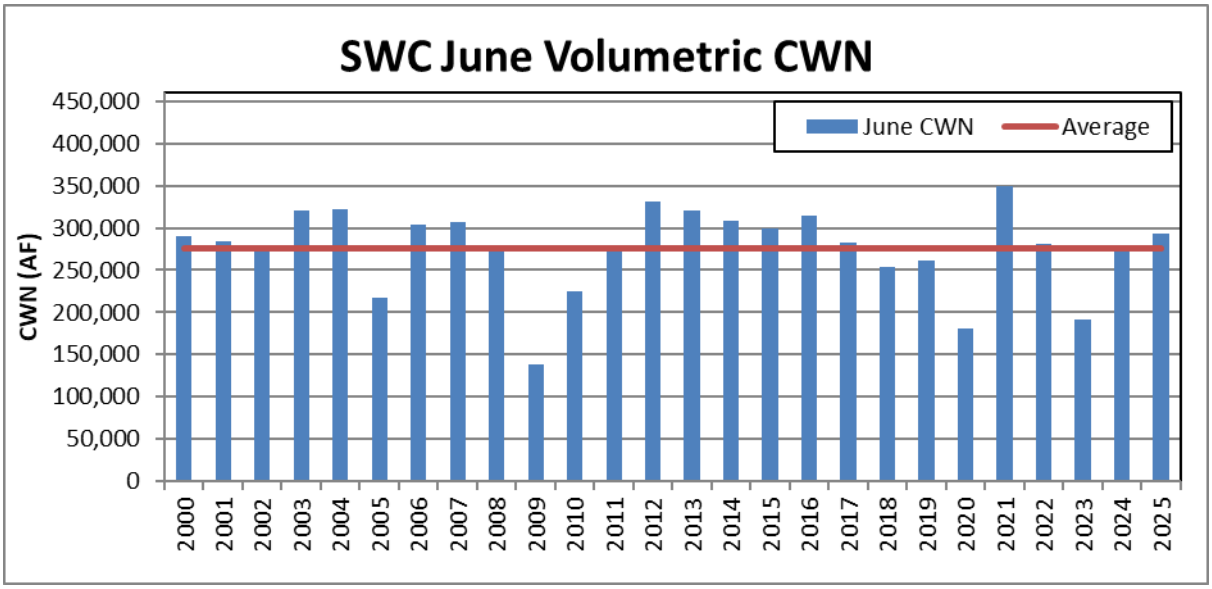
[1] Precipitation and temperature data obtained from the NOAA National Weather Service Preliminary Monthly Climate Data for the Twin Falls 3SE weather station (Twin Falls Airport).

12. As calculated from the beginning of the irrigation season (April 1), the SWC's volumetric CWN for the current water year through June 30, 2025, is 540,010 acre-feet. This volume is 113% of the 2000–2024 average CWN for April 1–June 30 and 116% of the CWN for the 2018 BLY. The following graphs summarize monthly volumetric CWN values:









ii. Extension of BLY

13. The RISD for the remaining portion of the irrigation season (July–October) is the July–October demand for the 2018 BLY. The numeric July–October demand values are shown in the table in Finding of Fact 14 below.

iii. Calculation of RISD

14. As calculated from the beginning of the irrigation season (April 1), the SWC's volumetric RISD for 2025 through June is 1,482,623 acre-feet. This volume is 113% of the 2000–2024 average demand from April 1–June 30 and 105% of the demand for the 2018 BLY. The recalculated RISD at this point of the 2025 irrigation season by entity is:

	April–June CWN (AF)	E_p (April–June)	April–June RISD (AF)	July–October Demand for 2018 BLY (AF)	Recalculated RISD (AF)
A&B	14,705	0.41-0.92	26,308	38,528	64,836[2]
AFRD2	59,878	0.20-0.37	196,184	274,485	470,669
BID	46,315	0.30-0.47	117,704	145,546	263,250
Milner	12,908	0.36-0.68	24,864	36,432	61,296
Minidoka	86,474	0.36-0.54	190,333	196,968	387,301
NSCC	127,790	0.21-0.40	421,800	594,099	1,015,899
TFCC	191,940	0.27-0.51	505,430	653,473	1,158,903

D. Forecast Supply

15. When calculated during the irrigation season, the FS is the sum of the year-to-date actual natural flow diversions, the forecasted natural flow supply for the remainder of the season, and the storage allocation for each member of the SWC. *Methodology Order*, at 43. For this order, the FS is the sum of the actual natural flow supply from April through June, the predicted natural flow supply from July through October, and the actual storage allocations. Actual natural flow diversions for the completed portion of the irrigation season are extracted from the Department's water rights accounting program. The natural flow diversions for the remainder of the irrigation season are estimated by regression analysis. *Id.* at 20–21, 43. Storage allocations are determined by Water District 01 after the Day of Allocation. *Id.* at 43.

i. Sum of Actual Natural Flow Diverted

16. Actual natural flow diverted for the period April through June for each SWC member are summarized in the table contained within the Summary of Forecast Supply section in Finding of Fact 23.

ii. Regression Models to Predict Natural Flow (July–October)

17. Natural flow diversions were predicted for the remainder of the irrigation season by regression analysis. The *Methodology Order* established the following predictor variables for the regression models: natural flow in the Snake River near Heise as reported by the BOR, snow water equivalent ("SWE") data from the Two Ocean Plateau SNOTEL site, Spring Creek discharge, and ground water levels near American Falls Reservoir. *Methodology Order*, at 20.

[2] The Department has modified the total A&B irrigated acreage count to 14,749 acres. Based on the decision in CV01-23-13238, the new acreage count removes A&B Irrigation District's enlargement acres.

Unique regression models with unique predictor variable groups are established in the *Methodology Order* for each SWC member. *Id.* at 20–21.

18. Either June 15 or July 1 SWE values for the Two Ocean Plateau SNOTEL site are used as input variables in each of the regression models developed in the *Methodology Order*. *Id.* Two Ocean Plateau SWE data was selected as a predictor variable in the *Methodology Order* based upon stepwise statistical analysis carried out in the development of each regression model. *Id.* The Two Ocean Plateau SWE data is an optimum predictor variable for several reasons, including: its elevation (the site is located above 9,000 ft and typically still has snow late in the runoff season (June 15 and July 1); its location (the site is in the headwaters of the Snake River above Jackson Reservoir); and its period of record, which is sufficiently long enough to support model development.

19. On July 1, 2025, the Two Ocean Plateau SNOTEL station reported 0.0 inches of SWE. When the snow water equivalent is zero on July 1, the predicted natural flow supplies for the period July 1–October 31 for A&B, AFRD2, and Milner are zero acre-feet. *Methodology Order*, at 20.

20. The input variables used to predict July–October natural flow volumes for BID, Minidoka, and NSCC in 2025 include: (1) 0.0 inches of SWE reported by the Two Ocean Plateau SNOTEL site on June 15, 2025; (2) 2,198,456 acre-feet of natural flow runoff at the Snake River near Heise (April–June) as reported by the BOR; and (3) 26.64 feet depth to water at well 05S 31E 27ABA1 as measured by the Department on March 23, 2025.

21. The variables used to predict the July–October natural flow volume for TFCC in 2025 include: (1) 6.3 inches of the SWE reported by the Two Ocean Plateau SNOTEL Site on June 15; (2) 2,198,456 acre-feet of natural flow runoff at the Snake River near Heise (April–June) as reported by the BOR; and (3) 76,458 acre-feet of discharge (January–May) as measured and reported by the United States Geologic Survey for its Spring Creek at Sheepskin Rd Nr Fort Hall ID Gage (Gage No. 13075983).

iii. Storage Allocations

22. Storage allocation values for each member of the SWC were established by Water District 01 on June 27, 2025, and are summarized in the table in Finding of Fact 24 below.

iv. Adjustments to Total Supply

23. Natural flow and storage water supplies were both adjusted, as shown in the table in Finding of Fact 24 below. Adjustments to natural flow include wheeled water to the Southwest Irrigation District through BID and Milner, 637 acre-feet and 516 acre-feet, respectively. Adjustments to natural flow also include wheeled water as a part of the Idaho Water Resource Board's water right to AFRD2, and BID, 1,441 acre-feet and 400 acre-feet, respectively. The only adjustments made to the stored water supply in the table below were for the Minidoka Credit. Adjustments for wheeled storage water published in WD1's weekly reports were not included as an adjustment because wheeled water does not actually increase the amount of water

available for use by the SWC. Water supplied to or from the rental pool was not included in the adjustments.

v. Summary of Forecast Supply

24. The following table summarizes the calculated FS and its individual components for each of the SWC members.

	Natural Flow Diverted through 6/30 (AF)	Predicted Natural Flow 7/1 to 10/31 (AF)	Natural Flow Adjustment (AF)	Preliminary Storage Allocation (AF)	Minidoka Credit Adjustment (AF)	Forecast Supply (AF)
A&B	10,356	0	0	120,473	0	130,829
AFRD2	90,653	0	(1,441)	383,912	1,000	474,124
BID	104,871	5,393	(1,037)	214,990	5,130	329,347
Milner	14,082	0	(516)	80,506	0	94,072
Minidoka	132,717	7,315	0	338,930	8,370	487,332
NSCC	366,647	53,561	0	798,776	(7,750)	1,211,234
TFCC	463,935	393,524	0	232,941	(6,750)	1,083,650

E. Revised Shortfall Prediction

25. In-season demand shortfall ("IDS") is calculated as the difference between RISD and the FS.

26. Based on the above, and as summarized in the following table, the Director predicts that TFCC will be materially injured by junior ground water pumping.

	Forecast Supply (AF)	RISD (AF)	Shortfall (AF)
A&B	130,829	64,836	0
AFRD2	474,124	470,669	0
BID	329,347	263,250	0
Milner	94,072	61,296	0
Minidoka	487,332	387,301	0
NSCC	1,211,234	1,015,899	0
TFCC	1,083,650	1,158,903	75,300
		Total	75,300

27. The current predicted shortfall to the SWC's RISD is 75,300 acre-feet.

28. At approximately the halfway point of the irrigation season, the estimated Time of Need is established by predicting when the remaining storage balance equals the volume of reasonable carryover. This year, because TFCC is the only entity with a calculated injury, the Time of Need equals the predicted day when its remaining storage equals its reasonable carryover volume of 37,400 acre-feet. To calculate the Time of Need for TFCC, the Department chose 2021 as the analogous year to predict TFCC's storage use for the remainder of the 2025 irrigation season. The analogous year, 2021, was selected based on similar Blackfoot to Milner reach gains. Assuming TFCC's storage use for the remainder of the 2025 season will match its storage use in 2021, the Time of Need is predicted to occur on August 28, 2025, for TFCC.

F. Step 6

29. Step 6 requires the following:

> Upon a determination of an additional mitigation obligation, junior ground water users will be required to establish, to the satisfaction of the Director, their ability to secure a volume of storage water or to conduct other approved activities pursuant to an approved mitigation plan that will deliver the additional mitigation obligation water to the injured members of the SWC at the Time of Need. If junior ground water users fail or refuse to submit this information within fourteen (14) days from issuance of a Step 6 order, the Director will issue an order curtailing junior ground water users. A transient ESPAM simulation will be run to determine the priority date to produce the necessary additional mitigation obligation volume by September 30 of the same year. Curtailment will be simulated within the area of common ground water supply, as described by CM Rule 50.01.

Methodology Order, at 44 (footnote omitted). Effective July 1, 2024, Senate Bill 1341 added a new section to Idaho Code, Idaho Code § 42-233c, which modified the description of the ESPA area of common ground water supply.[3]

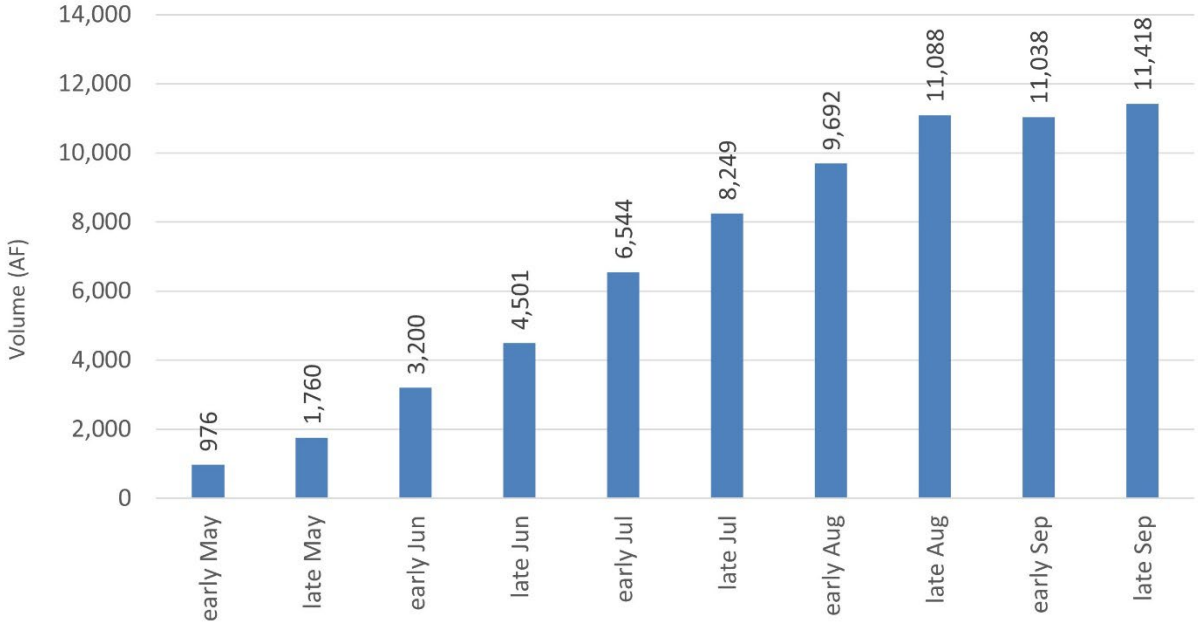
30. The predicted July IDS for TFCC is 75,300 acre-feet.

31. In April 2025, pursuant to the *Methodology Order*, the Department ran the Eastern Snake Plain Aquifer Model version 2.2 ("ESPAM2.2") to calculate the priority curtailment date, such that the curtailment of all water rights junior to the date within the area of common ground water supply, would produce a volume of water equal to the April IDS in the Snake River between May 1 and September 30. The ESPAM2.2 simulation predicted curtailment of ground water rights bearing priority dates junior to August 28, 1955, would produce the volume of water equal to the predicted April IDS of 63,000 AF in the near Blackfoot to Minidoka reach. *April Forecast Supply Order*, at 4.

32. In July 2025, the Department ran the ESPAM2.2 to simulate the effect of adjusting the curtailment priority date at the end of July. The ESPAM2.2 simulation calculated that the curtailment of ground water rights junior to August 28, 1955, through the end of July followed

[3] S.B. 1341, 67th Leg., 2d Reg. Sess. (Idaho 2024).

by curtailment of groundwater rights junior to October 11, 1900,[4] will produce a volume of water of 58,000 AF in the near Blackfoot to Minidoka reach between July 1 and September 30 of this irrigation season. The following figure summarizes the results of the ESPAM2.2 simulation:



Modeled increase in ESPA discharge to near Blackfoot to Minidoka reach resulting from curtailment of ground water junior to August 28, 1955, May-July, and junior to October 11, 1900, beginning at end of July

33. The predicted July through September benefits to the near Blackfoot to Minidoka reach from curtailment of ground water rights bearing priority dates junior to August 28, 1955, through the end of July followed by curtailment of groundwater rights junior to October 11, 1900, are less than the July IDS of 75,300 acre-feet. Increasing the curtailment to include ground water rights junior to October 11, 1900, will offset as much of the July IDS as possible.

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.

[4] October 11, 1900, is the priority date equal to TFCC's Water Right No. 1-209, the most senior SWC natural flow water right predicted to be injured.

2. Idaho Code § 42-607 states the watermaster, under the direction of the Idaho Department of Water Resources, shall regulate diversions "during times of water scarcity, in order to supply the prior rights of others from such stream or water supply . . . ."

3. This year, no water is required to be allocated to the SWC pursuant to Step 5 related to a reasonable carryover shortfall because no junior water users secured water in 2024 to fulfill the carryover shortfall.

4. Based on the Findings of Fact 6 through 27 above, it is reasonably certain TFCC will be materially injured. The calculated shortfall to TFCC is 75,300 acre-feet.

5. In the *April Forecast Supply Order*, the Director predicted a demand shortfall for the SWC of 63,000 acre-feet. Because the shortfall volume calculated consistent with Step 6 of the *Methodology Order* is different than the shortfall predicted in the *April Forecast Supply Order*, the curtailment date established in the May 16, 2025 *Curtailment Order* must be adjusted.

6. Using the ESPAM2.2, the Department has determined that the curtailment of ground water rights bearing priority dates junior to August 28, 1955, through the end of July followed by curtailment of groundwater rights junior to October 11, 1900, would result in a volume of water less than the predicted July IDS of 75,300 acre-feet in the near Blackfoot to Minidoka reach between July 1 and September 30 of this irrigation season. Accordingly, increasing the curtailment to include ground water rights junior to October 11, 1900, is necessary for curtailment to offset as much of the July IDS as possible.

7. Junior ground water users holding consumptive water rights bearing priority dates junior to October 11, 1900, within the Eastern Snake Plain Aquifer area of common ground water supply[5] must mitigate for their proportionate share of the predicted July IDS in accordance with an approved mitigation plan.[6] Junior ground water users mitigating for their proportionate share of the predicted July IDS with a secured volume of water pursuant to an approved mitigation plan must, to the satisfaction of the Director, secure their proportionate share for delivery to the injured members of the SWC on or before July 24, 2025.

[5] The current area of common ground water supply for the Eastern Snake Plain Aquifer is defined in Idaho Code § 42-233c as the aquifer underlying the Eastern Snake River Plain as described in the model calibration report for ESPAM2.2 dated May 2021.

[6] There are five approved mitigation plans responding to the SWC delivery call, the SWC stipulates to each: (1) No. CM-MP-2015-003 for the benefit of A&B; (2) No. CM-MP-2010-001 for the benefit of Southwest Irrigation District and Goose Creek Irrigation District (collectively, "SWID"); (3) No. CM-MP-2024-003 for the benefit of the Ground Water Districts; (4) No. CM-MP-2019-001 for the benefit of the Coalition of Cities; and (5) No. CM-MP-2007-001 for the benefit of the Water Mitigation Coalition. Given the nature of certain plans, the Department must calculate the proportionate share of the predicted IDS. With regard to A&B's mitigation plan, A&B's proportionate share of the predicted July IDS is 5,039 acre-feet. In response to the *April Forecast Supply Order,* A&B has already secured 164 acre-feet of storage water for the 2025 irrigation season. Due to the nature of the mitigation plans for SWID, the Ground Water Districts, 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 predicted IDS.

8. If, on or before July 24, 2025, ground water users holding consumptive water rights bearing priority dates junior to October 11, 1900, within the Eastern Snake Plain Aquifer area of common ground water supply fail to establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted July IDS of 75,300 acre-feet in accordance with an approved mitigation plan, the Director will issue an order curtailing the junior-priority ground water user. Junior ground water users who are mitigating with a secured volume of water are not required to assign the secured volume of water until after the Director issues a subsequent order requiring the assignment.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED as follows:

The Director predicts an in-season IDS of 75,300 acre-feet. On or before July 24, 2025, ground water users holding consumptive water rights bearing priority dates junior to October 11, 1900, within the Eastern Snake Plain Aquifer area of common ground water supply shall establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted IDS of 75,300 acre-feet in accordance with an approved mitigation plan. If a junior ground water user cannot establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted IDS of 75,300 acre-feet in accordance with an approved mitigation plan, the Director will issue an order curtailing the junior-priority ground water user.[7]

IT IS FURTHER ORDERED that the May 16, 2025 *Curtailment Order* remains in full force and effect. All ground water users holding water rights listed in Attachment A to the May 16, 2025 *Curtailment Order* bearing priority dates junior to August 28, 1955, shall continue to be curtailed from diversion and use of ground water pursuant to those water rights unless they are mitigating in accordance with an approved mitigation plan or are notified by the Department that the order of curtailment has been modified or rescinded as to their water rights.

Dated this 10th day of July 2025.

MATHEW WEAVER
Director

[7] On June 28, 2024, the Director issued an order declaring that ground water rights that were to be newly included in the Eastern Snake Plain Aquifer area of common ground water starting July 1, 2024, due to the passage of Senate Bill 1341, would not be subject to administration until November 1, 2025. *Order Re. Mid-Season Change to Area of Common Ground Water Supply for E. Snake Plain Aquifer; 3d Order Am. Curtailment List,* at 4. Accordingly, ground water users holding consumptive water rights bearing priority dates junior to October 11, 1900, that were newly included in the Eastern Snake Plain Aquifer area of common ground water supply per the Director's June 28, 2024 order, are not subject to administration at this time and are not required to establish that they can mitigate for their proportionate share of the predicted IDS.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of July 2024, the above and foregoing, was served by the method indicated below, and addressed to the following:

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EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

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

The accompanying document is a "**Final Order**" issued by the Idaho Department of Water Resources ("Department") pursuant to Idaho Code § 67-5246.

PETITION FOR RECONSIDERATION

(*See* Idaho Code § 67-5246(4))

Any party may file a petition for reconsideration of this 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 presiding 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.

REQUEST FOR HEARING

(*See* Idaho Code § 42-1701A(3))

Unless the right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director, and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to Idaho Code § 42-1701A(3). A written petition to the Director contesting this final order and requesting a hearing must be filed with the Department by any aggrieved person **within fifteen (15) days after service of this final order**.

CERTIFICATE OF SERVICE

(*See* IDAPA 37.01.01.053, 37.01.01.202)

All documents filed with the Department in connection with a petition for reconsideration or a request for hearing of this final order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 53 and 202.